

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 111

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*House of Representatives, Feb. 2, 1917.*

*Referred to Committee on Judiciary and one thousand copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Hammond of Van Buren.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to incorporate the Van Buren Light and Power  
District.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. The following described territory and the people within the same, namely, so much of the town of Van Buren as is bounded on the southeasterly side by the town line between said Van Buren and Hamlin; on the northwesterly side by the northwesterly line of the homestead farm of Basil Violette; on the southwesterly side by the rear line of the river lots; and on the northeasterly side by the Saint John River, is hereby created a body politic and

9 corporate under the name of the Van Buren Light and  
10 Power District; with the right of making, generating, pur-  
11 chasing, selling, distributing and supplying gas or electricity,  
12 or both, for lighting, heating, manufacturing or mechanical  
13 purposes, and to sell the same for street lighting purposes  
14 and to light all public and private buildings, houses, stores,  
15 warehouses, mills and business places in said district, and  
16 likewise for heating, domestic and power purposes. Said  
17 district is also authorized to build such system as may be  
18 required to carry out the purposes herein stated, or to  
19 acquire by purchase or the right of eminent domain any  
20 existing system or systems and to enlarge or extend the  
21 same as circumstances shall require. Said district is also  
22 authorized to issue bonds to such amount as may appear  
23 necessary to fully accomplish the above purposes with a  
24 view to furnishing the inhabitants of such district with gas  
25 and electricity for all purposes to which the same may be  
26 advantageously applied.

Sect. 2. Said district shall have power to construct and  
2 maintain its lines, poles, wires and fixtures for transmission  
3 of gas or electricity over and across and under roads and  
4 streets in the territory above-named, subject, however, to  
5 the conditions and restrictions of the general law, and shall  
6 have the right to construct and maintain its transmission  
7 lines, poles and wires as aforesaid across private property,  
8 but shall be liable to pay damages to the owners thereof,  
9 under the same conditions and limitations as are by law

10 prescribed in the case of damage for the laying out of high-  
11 ways.

Sect. 3. Said district is hereby authorized to acquire by  
2 purchase the capital stock, plants, properties, rights, fran-  
3 chises and locations of the Van Buren Light and Power  
4 Company, and the said Van Buren Light and Power Com-  
5 pany is hereby authorized to convey, transfer and assign  
6 such stock, plants, properties and franchises to the said Van  
7 Buren Light and Power District, on payment by said district  
8 to said company of the price that they may mutually agree  
9 upon.

Sect. 4. In case the trustees chosen under this act fail to  
2 agree with the Van Buren Light and Power Company upon  
3 the terms of purchase of the above mentioned property on  
4 or before August first, nineteen hundred and seventeen, said  
5 Light and Power District through its trustees is hereby  
6 authorized to take said plant, property and franchises as  
7 for public uses by petition therefor in the manner herein-  
8 after provided. And said Van Buren Light and Power  
9 District through its trustees is hereby authorized on or be-  
10 fore September first, nineteen hundred and seventeen, to  
11 file a petition in the office of the clerk of the Supreme  
12 Judicial Court of the county of Aroostook, in term time or  
13 in vacation, addressed to any justice of said court, who,  
14 after notice to said Van Buren Light and Power Com-  
15 pany, shall, after hearing and withing thirty days after the  
16 filing of said petition, appoint three disinterested appraisers,

17 none of whom shall be residents of the county of Aroostook,  
18 one of whom shall be learned in the law, for the purpose  
19 of fixing the valuation of said plant, property and franchises.  
20 The said appraisers shall have the power of compelling at-  
21 tendance of witnesses, and the production of books and  
22 papers pertinent to the issue, and may administer oaths,  
23 and any witness, or person in charge of such books or  
24 papers, refusing to attend or to produce the same shall be  
25 subject to the same penalties and proceedings so far as  
26 applicable as witnesses summoned to attend the Supreme  
27 Judicial Court. The appraisers so appointed shall, after due  
28 notice and hearing, fix the valuation of said plant, prop-  
29 erty and franchises at what they are fairly and equitably  
30 worth, so that the said Van Buren Light and Power Com-  
31 pany shall receive just compensation for the same. The  
32 first day of August, nineteen hundred and seventeen, shall  
33 be the date as of which the valuation aforesaid shall be  
34 fixed, from which day interest on said award shall run, and  
35 all net rents and profits accruing thereafter shall belong to  
36 the said Van Buren Light and Power District. The report  
37 of said appraisers, or of a majority of them, shall be filed  
38 in said clerk's office, in term time or vacation within five  
39 months after their appointment, and such justice, or in case  
40 of his inability to act then any justice designated for the  
41 purpose by the chief justice, may, after notice and hearing,  
42 confirm or reject the same, or recommit it if justice so re-  
43 quires. The award of the appraisers shall be conclusive as

44 to valuations. Upon the confirmation of said report the  
45 court so sitting shall thereupon, after hearing, make final  
46 decree upon the entire matter, including the application of  
47 the purchase money, discharge of incumbrances and trans-  
48 fer of the property, jurisdiction over which is hereby con-  
49 ferred, with the same power to enforce said decrees as in  
50 equity cases. Upon request of either party the justice so  
51 making such final decree shall make separate findings of  
52 law and fact. All such findings of fact shall be final, but  
53 either party aggrieved may take exceptions to any ruling of  
54 law so made, the same to be accompanied only by such  
55 parts of the case as are necessary to a clear understand-  
56 ing of the questions raised thereby. Such exceptions shall  
57 be claimed on the docket within ten days after such final  
58 decree is signed, entered and filed and notice thereof has  
59 been given by the clerk to the parties or their counsel, and  
60 said exceptions so claimed shall be made up, allowed and  
61 filed, and notice thereof has been given by the clerk to the  
62 parties or their counsel and such exceptions so claimed  
63 shall be made up, allowed and filed within said time unless  
64 further time is granted by the court or by agreement of  
65 parties. They shall be entered at the next term of the law  
66 court to be held after the filing of said decree, and there  
67 heard, unless otherwise agreed, or the law court shall for  
68 good cause order a further time for hearing thereon. Upon  
69 such hearing the law court may confirm, revise or modify  
70 the decree of the court below, or remand the cause for  
71 further proceedings as it seems proper.

During the pendency of such exceptions the cause shall  
2 remain on the docket of the court below marked law and  
3 decree shall be entered thereon by a single justice on term  
4 time or in vacation, in accordance with the certificate and  
5 opinion of the law court. Before said plant, property and  
6 franchises are transferred in accordance with such final  
7 decree and before the payment therefor, the court sitting in  
8 said county of Aroostook, by a single justice thereof as  
9 hereinbefore provided, shall, upon motion of either party,  
10 after notice and hearing, take account of all receipts and  
11 expenditures properly had or incurred by the Van Buren  
12 Light and Power Company belonging to the period after  
13 August first, nineteen hundred and seventeen, and all the  
14 net rents and profits accruing thereafter, and shall order the  
15 net balance due to either party to be added to or deducted  
16 from the amount to be paid under said final decree, as the  
17 case may be. All findings of law or fact by such single jus-  
18 tice at such hearing shall be final. On payment or tender  
19 by said Van Buren Light and Power District of the amount  
20 so fixed and the performance of all other terms and condi-  
21 tions so imposed by the court, said entire plant, property  
22 and franchises shall become vested in said Van Buren Light  
23 and Power District, and be free from all liens and incum-  
24 brances theretofore created by the Van Buren Light and  
25 Power Company.

After the filing of said petition it shall not be discon-  
2 tinued or withdrawn by said Van Buren Light and Power

3 District, and the said Van Buren Light and Power Com-  
4 pany may thereafterwards on its part cause said valuation  
5 to be made as herein provided, and shall be entitled to ap-  
6 propriate process to compel said Van Buren Light and  
7 Power District to perform the terms of the final decree,  
8 and to pay for said plant, property and franchises in ac-  
9 cordance therewith.

Sect. 5. All valid contracts now existing between the  
2 Van Buren Light and Power Company and any person or  
3 persons or corporations for supplying light and power shall  
4 be assumed and carried out by said Van Buren Light and  
5 Power District.

Sect. 6. All the affairs of said Van Buren Light and  
2 Power District shall be managed by a board of trustees  
3 composed of three members, to be chosen by ballot by the  
4 legal voters within said district, the first election to be at the  
5 meeting of the legal voters of the said district to be called  
6 to accept this act, one to serve until the annual meeting to  
7 be held in nineteen hundred and eighteen, one to serve until  
8 the annual meeting to be held in nineteen hundred and  
9 nineteen, and one to serve until the annual meeting to be  
10 held in nineteen hundred and twenty. Whenever the term  
11 of office of a trustee shall expire the legal voters of the  
12 said district shall elect a successor to serve for a full term  
13 of three years, and if any other vacancy occurs it may be  
14 filled in like manner for the unexpired term. The annual  
15 election of officers shall be in the month of March. As



16 soon as convenient after the board of trustees has been  
17 chosen the said trustees shall hold a meeting at the office  
18 of the selectmen in the town of Van Buren, and organize  
19 by the election of a chairman and clerk, adopt a corporate  
20 seal, and, when necessary, may choose a treasurer and all  
21 other needful officers and agents for the proper management  
22 of the affairs of said district. Said trustees may procure  
23 an office and incur such expenses as may be necessary. Each  
24 member shall receive in full compensation for his services  
25 an allowance of fifty dollars per year, or such other less  
26 sum as the said district at any legal meeting may prescribe.  
27 The said district, at any legal meeting thereof, called for  
28 the purpose, may adopt such by-laws and provisions, not  
29 inconsistent with the laws and constitution of this state and  
30 the United States, as they may deem expedient and neces-  
31 sary for the better government and regulation of its affairs  
32 within said district, in which case such by-laws and pro-  
33 visions so adopted shall extend to said Van Buren Light and  
34 Power District as fully, to all intents and purposes, as the  
35 other provisions of this act, subject only to alterations or  
36 additions by a two-thirds vote, at a legal meeting of the said  
37 district called for the purpose.

Sect. 7. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of  
3 said Van Buren Light and Power District the rates estab-  
4 lished by said board of trustees for the electricity used by  
5 them either for light, heat, power or other purposes, and

6 said rates shall be uniform within said district. Said rates  
7 shall be subject to the approval of the Public Utilities Com-  
8 mission, and shall be so established as to provide for the  
9 following purposes:

1. To pay the curren running expenses for maintaining the  
2 light and power system contemplated by this act, and interest  
3 on all indebtedness.

2. To provide each and every year after April first nine-  
2 teen hundred and twenty, a sum equal to not less than one-  
3 half of one per cent nor more than three per cent, and  
4 after April first, nineteen hundred and twenty-five, a sum  
5 of not less than one per cent nor more than three per cent  
6 of the entire indebtedness of the said Van Buren Light and  
7 Power District, which sum shall be turned into a sinking  
8 fund to provide for the final extinguishment of the funded  
9 debt. The money set aside for the sinking fund shall be  
10 devoted to the retirement of the obligations of the said dis-  
11 trict or invested in such securities as savings banks are al-  
12 lowed to hold.

Sect. 8. All the incidental powers, rights and privileges  
2 necessary to the accomplishment of the main object herein  
3 set forth are granted to the district hereby created.

Sect. 9. This act shall take effect when accepted by a  
2 majority vote of the legal voters within said Van Buren  
3 Light and Power District, voting at a meeting to be specially  
4 called and held for the purpose on or before the first day  
5 of September, nineteen hundred and seventeen, and George

6 V. Hammond, W. F. Paradis and Joseph J. Cyr, or either  
7 of them, are hereby authorized to call said meeting. The  
8 board of registration shall make and provide a separate  
9 check list for such of the voters within said Van Buren  
10 Light and Power District as are then legal voters of said  
11 town, and all warrants issued to said town shall be varied  
12 accordingly to show that only such voters therein are entitled  
13 to vote thereon. Such special meeting shall be called, ad-  
14 vertised and conducted according to the law relating to  
15 municipal elections; provided, however, that the board of  
16 registration shall not be required to prepare or the town  
17 clerk to post a new list of voters, and for this purpose said  
18 board shall be in session the three secular days next pre-  
19 ceding such election, the first two days thereof to be de-  
20 voted to registration of voters and the last day to enable  
21 the board to verify the corrections of said lists and to com-  
22 plete and close up its records of said session. The town  
23 clerk shall reduce the subject matter of this act to the fol-  
24 lowing question: "Shall the act to incorporate the Van  
25 Buren Light and Power District be accepted?" and the  
26 voters shall indicate by a cross placed against the words  
27 "yes" and "no" their opinion of the same. The result shall  
28 be declared by the selectmen of Van Buren, and due cer-  
29 tificate thereof filed by the town clerk with the secretary of  
30 state.

Sect. 10. The said Van Buren Light and Power District  
2 is hereby authorized to issue its bonds for the purpose of

3 raising the amount required to accomplish the various pur-  
4 poses contemplated by this act, to wit, the building of an  
5 electric light or gas system, the acquisition of any existing  
6 system or systems and the enlargement or extension of the  
7 same, and the accomplishment of all other things necessary,  
8 useful or incidental thereto. Said bonds may be of the  
9 date and denomination and payable at such times and places,  
10 and bear such rate of interest, as the inhabitants of said  
11 Van Buren Light and Power District may determine or  
12 authorize their trustees to determine, by vote passed at any  
13 legal meeting of said inhabitants called for said purpose and  
14 containing an article in the warrant for that purpose.