

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 209

House of Representatives, Feb. 9, 1917.

*Referred to Committee on Judiciary and fifteen hundred
copies ordered printed. Sent up for concurrence.*

W. R. ROIX, Clerk.

Presented by Mr. Dutton of Bingham.

STATE OF MAINE

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

AN ACT to create the Maine Power Commission, prescribe its
powers and duties and provide for their regulation and control,
and provide for the purchase or taking of water powers for the
development and transmission of electricity for heat, lighting,
and power purposes.

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

Section 1. The governor, with the advice and consent of
2 the council, shall appoint three commissioners, one of whom
3 he shall designate as chairman, which said commission shall
4 be jointly known as the Maine Power Commission. Said

5 commission shall adopt and have a seal and provided with an
6 office at the State House in which its records shall be kept.
7 Under the direction of the governor and council said com-
8 mission may expend such sums of money as may be neces-
9 sary for the purchase of books, maps, stationery, office furni-
10 ture, supplies for procuring statistics and information and
11 for defraying expenses incidental to the discharge of its
12 duties. A statement of such expenses shall accompany its
13 annual report. Said commission shall appoint a clerk and an
14 assistant clerk, and such practical hydraulic, civil and elec-
15 trical engineers as may be necessary for the performance of
16 the duties of the commission. The clerk shall keep a full and
17 minute record of the proceedings of the commission which
18 shall be open to public inspection. The assistant clerk shall
19 assist the clerk in the performance of his duties, and in the
20 absence of the clerk shall have the same powers as the clerk.
21 No member or employee of said commission shall have any
22 financial or professional connection or relation with, or hold
23 any stock or securities in any association or corporation en-
24 gaged in developing water power or electricity, nor shall any
25 member or employee of said commission have, own or hold
26 any riparian rights or water privileges within the state of
27 Maine, nor shall he render any professional services for or
28 against any corporation or association engaged in the devel-
29 opment of water powers or electrical transmission, nor for or
30 against any person having any interest whatsoever in any

31 riparian rights or water privileges, otherwise than on behalf
32 of the commission.

No commissioner shall hold any other office of profit or
2 trust under the government of the United States or of this
3 state except the office of justice of the peace or notary public,
4 nor shall he serve on or under any committee of any political
5 party. Any wilful violation of the provisions of this act by
6 any commissioner shall constitute sufficient cause for his re-
7 moval by the governor with the advice and consent of the
8 council.

Sect. 2. The annual salary for each member of this com-
2 mission shall be for the chairman \$5000 and for each other
3 member \$4000; the salary of the clerk shall be \$2500 and the
4 salary of the assistant clerk shall be \$1800 and the salary of
5 the engineers and other employees of the commission shall
6 be fixed by the commission with the approval of the governor
7 and council; and the commissioners, their clerks, chief en-
8 gineers and other employees shall receive actual travelling
9 expenses on official business. The chairman of the commis-
10 sion first appointed, shall hold office for seven years and the
11 other members shall hold office for five years and three years
12 respectively, and the terms of the two latter shall be desig-
13 nated by the governor when making the appointments. Each
14 member thereafter shall hold office for seven years. Any
15 vacancy occurring in said commission shall be filled in the
16 same manner as by original appointment, but such appoint-

17 ment shall only be for the unexpired portion of the term in
18 which such vacancy occurs.

Sect. 3. The commission shall have the right to employ
2 such expert, professional, or other assistance as is necessary
3 in making investigation or in otherwise carrying out the pro-
4 visions of this act, and may make all necessary rules and
5 regulations.

Sect. 4. The commission shall, on or before the first day
2 of January in each year, make to the governor and council an
3 annual report, and such report shall contain a full statement
4 of the doings of said commission and among other things,
5 clear and comprehensive statements disclosing and exhibit-
6 ing:—

A. The actual condition as to the amount and character of
2 the assets and liabilities (direct and indirect) of the under-
3 takings conducted by it as on December 31st last preceding;

B. The cash transactions, including receipts and disburse-
2 ments for the year ending on December 31st last preceding:

C. The revenues, income and interests earned and the
2 amount of the costs, expenses and other items chargeable
3 there against in connection with the operation, maintenance,
4 administration and conduct of the undertakings controlled by
5 it for the year ending 31st December last preceding;

D. The amounts, with the expected sources of the same,
2 which it is estimated will be received in cash or its equivalent
3 and the payments, loans and advances with the purpose of

4 the same, which it is contemplated shall be made in cash or
5 otherwise, in the next succeeding year ;

E. The amounts and particulars of the obligations and
2 liabilities which it is contemplated shall be incurred in the
3 next succeeding year ;

F. The securities or evidence of indebtedness which it is
2 contemplated shall be created, issued, sold or otherwise dis-
3 posed of, together with the method of dealing with the same
4 in the next succeeding year ; and such other matters as may
5 appear to be to public interest in relation to said commission
6 or its works or such detailed statement or report as the gover-
7 nor and council may direct, which report shall be certified by
8 said commission to be true and correct in all parts. Said
9 commission shall make such other and further reports and
10 prepare such other statements as from time to time the gov-
11 ernor and council may require.

Sect. 5. The commission may from time to time report to
2 the governor and council designating

A. The land, waters, water privileges or water powers or
2 the land, works, machinery, or portion thereof, of any person
3 owning or holding under lease or otherwise, or developing,
4 operating or using a water privilege or water power, or
5 transmitting electrical or other power or energy in Maine,
6 which in the opinion of the commission should be purchased,
7 acquired, leased, taken, expropriated, developed, operated or
8 used by the commission for the purposes of this act ; or

B. The quantity of the product of any person generating

2 electrical power or energy in Maine or bringing such power
3 or energy into Maine for use or transmission therein which
4 the commission requires for the purposes of this Act.

Sect. 6. The governor and council, upon the report of the
2 commissioners recommending the same, may authorize the
3 commission to

A. Acquire by purchase, lease or otherwise, or without the
2 consent of the owner thereof or of any person interested
3 therein enter upon, take possession of, expropriate and use
4 the land, waters, water privileges, water powers, works, ma-
5 chinery and plant of any person owning, holding under lease
6 or otherwise, or developing, operating or using the same for
7 generating, or adapted for generating electrical power or
8 energy or for the transmission thereof in Maine; and develop
9 and use the same for any of the purposes of this Act.

B. Construct, maintain and operate, and acquire by pur-
2 chase or otherwise, or without the consent of the owner
3 thereof or of any person interested therein, enter upon, take
4 possession of, expropriate and use all erections, machinery,
5 plant and other works and machinery, plant and other works
6 and appliances for the transmission, supply and distribution of
7 electrical power or energy; and conduct, store, transmit and
8 supply electrical power or energy and conduct, store and supply
9 electrical power or energy for the purposes of this Act, and
10 with lines of wires, poles, conduits, motors or other conduc-
11 tors or transmit, distribute, supply or furnish such electrical
12 power or energy through, over, under, along or across any

13 land, public highway or public place, stream, water, water
14 course, bridge, viaduct or railway, and through, over or un-
15 der the land of any person ;

C. Contract with any person generating, transmitting or
2 distributing electrical power or energy, or proposing so to do,
3 to supply electrical power or energy to the commission ; and
4 require any person generating, transmitting or distributing
5 electrical power or energy to supply so much thereof as the
6 commission may require ;

D. Enter upon, take and use, without the consent of the
2 owner thereof, any land upon which any water power or
3 privilege is situate, or any lake, river, stream or other body
4 of water, which in the opinion of the commission is capable
5 of improvement or development for the purpose of provid-
6 ing water power, and construct dams, sluices, canals, race-
7 ways and other works as may be deemed proper or expedient
8 for that purpose, and flood and overflow any land as may be
9 deemed necessary for the purpose of providing storage of
10 the water or for any other purpose in connection with such
11 works, and contract with any municipal corporation, com-
12 pany or individual for the use of any of the improvements or
13 the works so made, on such terms and conditions as may be
14 agreed on, and charge such tolls for the use of any municipal
15 corporation, company or individual as the commission may
16 deem reasonable, having regard to the cost of acquiring such
17 land and to the cost of construction, maintenance and opera-
18 tion of such improvements or works.

E. Enter upon, take and use, without the consent of the owner thereof, any land which may in the opinion of the commission be necessary for the full enjoyment and exercise of any water right, water privilege or improvement, undertaken by the commission or by any municipal corporation or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands, but the proceedings taken under this clause shall be at the sole expense of the municipal corporation, and the commission may convey the land so acquired to the corporation or make such other disposition thereof with the consent of the corporation as may be deemed expedient.

F. Acquire by purchase or expropriate any plant machinery, appliances, wires, poles and other equipment, and the land occupied by or used in connection with the same or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the commission for the supply of electrical power or energy, and to contract for the sale and transfer to such municipal corporation of such plant, such price, not being less than the price paid by the commission, with the expenses in connection with such purchase or expropriation added thereto as may be agreed upon; but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation.

Sect. 7. Whenever the governor and council has author-

2 ized the commission to exercise any of the compulsory
3 powers set forth in section 6 for the acquisition of property,
4 said commission may acquire the same by purchase, lease or
5 otherwise or without the consent of the owners thereof or other
6 person interested therein, shall proceed in the name of the state
7 to take such property by right of eminent domain, enter upon,
8 take possession, expropriate and use such lands and such
9 rights or easements in lands as may be required for the pur-
10 poses of constructing, erecting, maintaining, or operating
11 thereon any and all dams, water privileges, lines of wires,
12 poles, conduits or other structures or devices, with all other
13 appliances and equipment required therefor, to transmit,
14 distribute and supply or furnish electricity at such voltage as
15 the commission may determine, through, under, along, or
16 across any lands, premises, public highway, public place,
17 streams, water courses or any bridge, viaduct or highway.

Sect. 8. When said commission shall have taken by right
2 of eminent domain any undeveloped water power, mill privi-
3 lege, riparian rights, lands for flowage purposes, or lands or
4 personal property, all of which lie within a single county,
5 necessary, incidental or subsidiary to any plan developed or
6 in the process of development for the transmission of elec-
7 tricity, if any person sustaining damages by any taking as
8 aforesaid shall not agree with said commission upon the sum
9 to be paid therefor, either party, upon petition to the county
10 commissioners of the county where such property is situated,
11 may have said damages assessed by them. The procedure

12 and all subsequent procedure and right of appeal thereon
13 shall be had under the same conditions, restrictions, or lim-
14 itations as are or may be by law prescribed in the case of
15 damages for the laying out of highways.

Sect. 9. Whenever said commission, after being empow-
2 ered by the governor and council as aforesaid, to take in the
3 name of the state, by right of eminent domain, any water
4 power, mill privilege, auxiliary steam plant, developed and
5 then used in transmitting electricity for heating, lighting, and
6 power purposes or of any undeveloped water power, mill
7 privilege, riparian rights, lands for flowage, all or part of
8 which lie in more than one county and the owner or owners
9 thereof and said commission fail to agree upon the terms of
10 purchase of said powers, rights, and property, said commis-
11 sion is hereby authorized and empowered in the name of the
12 state to take such water powers, mill privileges, lands for
13 flowage, and any and all other property necessary or inci-
14 dental to carrying out the objects of said commission in the
15 construction or development of such plant for the purposes
16 of transmitting electricity for heating, lighting, and power
17 purposes, said commission may file a petition in the clerk's
18 office of the Supreme Judicial Court for the county in which
19 the major portion of such water power, mill privileges and
20 other property is situated in term time or in vacation, ad-
21 dressed to any justice of said court, who, after notice to the
22 owner or owners of said water power, mill privilege, lands
23 and property, and all persons interested therein shall after

24 hearing and within thirty days after the filing of said
25 petition, appoint three distinterested appraisers, one of
26 whom shall be learned in the law, for the purpose of affixing
27 the valuation of said properties and franchises proposed to
28 be taken. Said petition shall not be dismissed after filing,
29 but may and shall be amended in any manner required to
30 enable the court to make all decrees necessary therein. At
31 the hearing aforesaid, said justice upon the motion of the
32 commission may order the production and filing in court for
33 the inspection of the petitioner, of all books and papers
34 pertinent to the issue and necessary for a full understanding
35 of the matter to be heard by said appraisers. The terms and
36 conditions of so producing and filing such books and papers
37 to be determined by such justice in his order therefor and to
38 be enforced from time to time as any justice of the Supreme
39 Judicial Court, in term time or in vacation, upon motion of
40 either party, may deem reasonable and proper in the
41 premises, At such hearing, such justice upon motion of the
42 petitioner, may fix a time at which said owner or owners of
43 said property shall file in the clerk's office of the Supreme
44 Judicial Court of county where said petition is filed, for the
45 inspection of the petitioner schedules setting forth in detail
46 any and all plans, specifications and a full description of the
47 property or properties proposed to be taken, and such other
48 information as said justice may deem useful to said ap-
49 praisers, in determining the value of such property. Such
50 other orders may be made and enforced from time to time by

51 any justice of said Supreme Judicial Court, in term time or in
52 vacation, upon motion of either party, as such justice may
53 deem reasonable and proper in the premises, and at such
54 hearing the justice then sitting, may, upon motion of the
55 petitioner, make all such decrees as he deems reasonable and
56 proper to enable the petitioner, through its servants and
57 employees, to ascertain the true condition of the property
58 proposed to be taken.

The said appraisers shall have the power of compelling the
2 attendance of witnesses and the production of all books,
3 accounts and papers pertinent to the issue and necessary for
4 a full understanding by them of the matter in question and
5 may administer oaths; and any witness or person in charge
6 of such books, accounts and papers, refusing to attend or to
7 produce the same shall be subject to the same penalties and
8 proceedings, so far as applicable, as witnesses summoned to
9 attend the Supreme Judicial Court. Depositions may be
10 taken as in civil actions. The appraisers so appointed shall,
11 after notice, and hearing, fix the valuation of said plant,
12 property and franchises, water power and mill privileges,
13 and appurtenances for the transmission of electricity for
14 heat, light, and power purposes, and such valuation shall be
15 for what such property is fairly and equitably worth so that
16 the owner or owners thereof shall receive just compensation
17 for the same. The valuation of said property shall be fixed
18 as of the date of the filing of the petition for taking the same
19 and from that date interest on said award shall run and all

20 rents and profits accruing to the property so taken shall
21 accrue to the state. The report of said appraisers, or a
22 majority of them, shall be filed in the clerk's office in term
23 time or in vacation within such time after their appointment
24 as the justice of the Supreme Judicial Court having jurisdic-
25 tion of said cause, shall determine in his decree appointing
26 said appraisers and such single justice or in case of his in-
27 ability to act, of any justice designated for the purpose by the
28 chief justice, may after notice and hearing, confirm or reject
29 the report of said commissioners or recommit it or submit the
30 subject matter thereof to a new board of appraisers, if jus-
31 tice shall require, and in case of such rejection, recommitment
32 or resubmission such justice may fix the times for new hear-
33 ings and new report thereon. The award of the appraisers
34 shall be conclusive as to valuation. Upon the confirmation
35 of said report, the court so sitting, shall thereupon, after
36 hearing, make final decree upon the entire matter, including
37 the application of the purchase money, discharge of incum-
38 brances and transfer of property and franchises, jurisdiction
39 over which is hereby conferred with the same power to en-
40 force a decree as in equity cases. Upon request of either
41 party the justice so making such final decree shall make sep-
42 arate findings of law and fact. All such findings shall be
43 final, but either party aggrieved may take exceptions to any
44 rulings of law so made, the same to be accompanied only by
45 such parts of the case as are necessary to a clear understand-
46 ing of the questions raised thereby. Such exceptions shall be

47 claimed on the docket within ten days after such final decree
48 is signed, entered and filed, and notice thereof shall be given
49 by the clerk to the parties or their counsel, and said excep-
50 tions so claimed shall be made up, allowed and filed within
51 said time unless further time is granted by the court or by the
52 agreement of the parties. They shall be entered at the next
53 term of the law court held after the filing of such exceptions
54 and there heard unless otherwise agreed, or the law court
55 shall for good cause order a further time for hearing there-
56 on. Upon such hearing the law court may confirm, reverse
57 or modify the decree of the court below or remand the cause
58 for further proceedings as it seems proper. During the
59 pendency of such exceptions the cause shall remain on the
60 docket of the court below, marked "law," and decree shall be
61 entered thereon by a single justice, in term time, or in vaca-
62 tion, in accordance with the certificate and opinion of the
63 law court. On payment or tender by said commission of the
64 amount so fixed and the performance of all the terms and
65 conditions so imposed by said court, said water power, mill
66 privileges, riparian rights, lands taken for flowage, steam
67 plants, and all other property used in connection with the
68 developing and transmitting of electricity for heat, light and
69 power purposes, together with all franchises shall become
70 vested in said commission and shall be free from all liens,
71 mortgages and incumbrances theretofore created or
72 assumed by the owner or owners of such property and
73 franchises or their predecessors, and either party shall be

74 entitled to appropriate process to compel the other to per-
75 form the terms and conditions of said decree. All the costs
76 and expenses arising under said petition and appraisal shall
77 be borne and paid by said commission and the owners of the
78 property equally. Any vacancy occurring in said board of
79 appraisers shall be filled, in term time or in vacation, by any
80 justice of the Supreme Judicial Court on petition therefor,
81 after notice and hearing.

Sect. 10. The commission may sell or dispose of any part
2 of the lands purchased or acquired under the provisions of
3 this act which may be found unnecessary for the purposes
4 of the commission.

Sect. 11. Whenever any of the compulsory powers men-
2 tioned in section 6 are exercised with respect to land and no
3 entry on or use of the land taken has been made, except for
4 the purpose of survey or examination, the commission at any
5 time before the expiration of three months from the date of
6 the award may by writing under the hand of the chairman
7 and the seal of the commission, registered in the office of
8 Registry of Deeds, in the county or counties where the land
9 is situated, declare that the land or any part thereof is not
10 required and is abandoned by the commission; and thereupon
11 the land declared to be abandoned shall revert in the person
12 from whom it was taken or in those entitled to claim under
13 him.

Where the land taken, or any part thereof is abandoned, the
2 person from whom it was taken shall be entitled to all dam-

3 ages sustained and all costs incurred by him in consequence
4 of the taking and abandonment; and where part only of the
5 land is abandoned the fact of such abandonment and the
6 damages, if any, sustained in consequence of that which is
7 abandoned having been taken, and all the other of the cir-
8 cumstances of the case shall be taken into account in deter-
9 ming the amount to be paid to any person claiming compen-
10 sation, shall be determined by the county commissioners or
11 appraisers appointed by the court as the case may be.

The right of eminent domain and compulsory powers con-
2 ferred by this act shall extend to land, works, rights, powers,
3 franchises, privileges and property belonging to any person,
4 firm, association or corporation notwithstanding that such
5 property may be deemed to be devoted to a public use or
6 that the owner thereof possesses the power of taking land
7 compulsorily by right of eminent domain.

Sect. 12. Whenever required by the governor and council
2 so to do the commission shall inquire into, examine and in-
3 vestigate water powers and water privileges in the state of
4 Maine and report on the value of the capacity thereof with
5 such other information as the governor and council may
6 require and every report of the commission shall be laid be-
7 fore the legislature at its ensuing session.

Sect. 13. For the purpose of paying the salaries of the
2 commissioners, clerks and assistants and for the necessary
3 expenses for office supplies, maps, charts, prints and pre-
4 liminary surveys and investigations, there be and hereby is

5 appropriated the sum of fifty thousand dollars for the year
6 1917 and the sum of fifty thousand dollars for the year 1918.

Sect. 14. Whenever the governor and council shall have
2 directed the commission to acquire by purchase or take by
3 right of eminent domain any water powers, mill privileges,
4 lands for flowage rights or otherwise or the property, rights
5 and franchises of and developed plant for the sale and dis-
6 tribution of electricity for heat, light, and power purposes
7 and the commission shall have acted thereon and taken by
8 purchase or right of eminent domain, said commission are
9 hereby authorized and directed to raise by an issue of bonds,
10 secured by a mortgage upon the properties purchased or
11 taken, a sufficient sum of money to pay for such lands privi-
12 leges or plant and for the complete establishment and oper-
13 ation of the same. Any such issue of bonds shall be for such
14 period of time, in such amount, and at such rate of interest
15 as the governor and council may determine upon the recom-
16 mendation of the commission.

Sect. 15. After having acquired by purchase or otherwise
2 any water power, privilege or developed plant for generat-
3 ing, distributing and supplying electricity for heat, light and
4 power purposes, as to the management of said enterprise the
5 commission shall have full and complete powers without re-
6 striction, subject however to the general laws of the state; to
7 set apart out of the moneys coming into its hands from time
8 to time from any property under its control or operation such
9 sums as may be sufficient in the opinion of the commission to

10 provide for the renewal, construction, alteration or repair of
11 the works so constructed and operated by the commission
12 and to meet any unforeseen expenditure caused by the de-
13 struction of the property of any such works; to create a
14 sinking fund for the retirement of any securities given on
15 any such works or for the payment of accrued interest; to
16 apply the income of the commission to the necessary operat-
17 ing expenses and to the preservation, improvement, super-
18 vision, renewal, repairs, and maintenance and insurance of
19 its works; to purchase such electric, hydraulic or other ma-
20 chinery, appliances and furnishings as may be used in the
21 transmission, distribution, supply or use of electric power or
22 energy and may dispose of the same from time to time; to
23 undertake and carry out the installation, construction or
24 purchase of any plant, machinery, wires, poles or other
25 things for the transmission, distribution, supply and use of
26 electric power or energy for heat, light and power purposes
27 to regulate any and all rates for supplying electricity for
28 heat, light or power purposes, which rates shall be uniform
29 and equal to all takers with due regard however to the cost
30 of installation of the service; to contract upon such terms as
31 the commission may determine to supply electricity to any
32 individual, firm, public service or municipal corporation en-
33 gaged in using or the general transmission of electricity for
34 heat, light and power purposes; to do any and all things
35 necessary, convenient or suitable for the establishment and
36 operation of any works for the distribution of electricity for

37 heat, light and power purposes within the radius of the prac-
38 tical operation of such plant or works and to extend the ser-
39 vice thereof to any individual, association, corporation,
40 quasi-public corporation or municipal corporation.

Sect. 16. Any city or town at a meeting duly called and
2 notified for the purpose, may by a majority vote of the duly
3 qualified voters voting at such meeting, vote to enter into a
4 contract with said commission for the supplying of electricity
5 to said municipality and the inhabitants thereof for such
6 period of time and at such rates as the commission may have
7 previously designated upon application therefor.

At such meeting or any other called for the purpose said
2 city or town may, by a majority vote, vote to contract, estab-
3 lish and install a municipal plant for distributing to the
4 municipality or the inhabitants thereof electricity for heat,
5 light and power purposes and may create an indebtedness by
6 issuing bonds or otherwise or may raise money by means of
7 taxation, either or both, to pay for the plant so established.
8 Whenever said city or town shall have established a
9 municipal plant and shall have entered into a contract with
10 the commission for the supply of a sufficient amount of elec-
11 tricity, the contract shall specify the point of delivery within
12 the municipality and the amount and constancy of the cur-
13 rent and the period of time for which electricity is to be sup-
14 plied and the terms of payment and such other provisions as
15 the commission may by rule establish, provided however, that
16 said commission shall not contract with any municipality for

17 the delivery to it for distribution as aforesaid of electricity
18 for a price less than an amount sufficient to pay five per cent
19 of the actual cost to the commission for current at the point
20 of delivery based upon the net pro rata cost of electricity
21 developed in the plant distributing the same.

Sect. 17. Whenever any city or town shall have voted to
2 contract with said commission and to establish a municipal
3 plant for the distribution of electricity for heat, light and
4 other purposes as provided in the preceding section said
5 plant shall be constructed in accordance with the plans and
6 specifications furnished by the commission and under its
7 general supervision and said municipality shall keep such
8 books of account and in such form as the commission may
9 prescribe and shall charge such a schedule of rates to takers
10 as may be furnished to said municipality by the commis-
11 sion which shall have due regard to the cost of the com-
12 pleted plant and the development of the use thereof, provided
13 however, that said commission shall not enter into any con-
14 tract with any municipality until it shall have been satisfied
15 by such means as it may adopt, under such rules and regu-
16 lations as it may make, that the total use of electricity by
17 said municipality and the inhabitants thereof at such rates as
18 may be adopted shall produce a net income to said munici-
19 pality of at least five per cent of the total investment after
20 making such deductions and setting aside such amount annu-
21 ally as will properly take care of future repairs and renewals
22 of the plant.

Sect. 18. Whenever the commission shall have taken by
2 right of eminent domain or otherwise any water power or
3 privilege or developed plant for the transmission of elec-
4 tricity for heat, light and power purposes, it shall keep an
5 accurate account of the expense of the establishment and ex-
6 tension of such plant and shall not mingle such expense with
7 that of any other water power or developed plant and any
8 and all charges for electricity sold and delivered to indi-
9 vidual users or to municipal corporations, public corpora-
10 tions or quasi-public corporations, shall be based upon the
11 cost of production of electricity by the plant supplying the
12 same and for that purpose all receipts and disbursements of
13 such plant shall be kept separate from those of any other
14 plant unless otherwise ordered by the legislature.

Section 19. Whenever the commission may determine and
2 so report to the governor and council that it is desirable that
3 it should acquire by purchase or otherwise any municipal
4 plant established as herein set forth, with which said commis-
5 sion has contracted to supply electricity for distribution by
6 said municipality, the governor and council may authorize
7 said commission to acquire by purchase or by right of
8 eminent domain such plant, either before or after the ex-
9 piration of any contract between the commission and said
10 municipality and in case the municipality is unwilling to sell
11 to the commission its distributing plant at a less price, said
12 commission may take same by right of eminent domain and
13 the price to be paid therefor shall be not greater than the

14 actual cost of installation and four per cent interest thereon,
15 with due consideration for sums expended for repairs and
16 depreciation of the plant.

Sect. 20. The commission shall have the power by itself
2 or its agents to inspect any and all distributing plants estab-
3 lished by any city or town with which it has contracted to
4 supply electricity at any point within said municipality.

And such municipality shall make annually to the commis-
2 sion a report showing its assets, liabilities, revenue and ex-
3 penditures and such other detailed information as the com-
4 mission may require.