

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 287

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*House of Representatives, Feb. 13, 1917.*

*Referred to Committee on Public Utilities and five hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Rounds of Portland.*

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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 amend the charter of the Peaks Island Corporation.

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

Section two of Chapter two hundred fifty-seven of the  
2 Private and Special Laws of nineteen hundred eleven is  
3 hereby amended by striking out in the second section of said  
4 Act the word "exclusively" in the sixteenth line of said Sec-  
5 tion two; and by striking out the word "exclusive" in the  
6 forty-seventh line of said Section 2 and by striking out the  
7 words "at the end of said fifteen years" in the fifty-fourth  
8 and fifty-fifth lines of said Section 2, so that said section as  
9 amended shall read as follows:

'Sect. 2. Upon the leasing or purchasing of the property, 2 rights and franchises of said Peaks Island Water and Light 3 Company and said Peaks Island Gas Company, which include 4 the franchise to supply water to the residents of Peaks 5 Island for domestic, sanitary and municipal purposes, and to 6 supply electricity and gas to the residents of Peaks Island 7 for lighting, heating, manufacturing or mechanical purposes, 8 and for lighting the streets, public buildings and public 9 squares on said island, the said Peaks Island Corporation 10 shall thereafter have and enjoy all said rights, powers, privi- 11 leges and franchises, including the right of eminent domain, 12 now possessed and enjoyed by either the said Peaks Island 13 Water and Light Company or said Peaks Island Gas Com- 14 pany under the several acts hereinbefore referred to for the 15 purposes above enumerated, subject to the same restrictions 16 and limitations as the same now are, excepting as to any 17 individuals who, during the summer season of the year 18 nineteen hundred and ten, were supplying any of the resi- 19 dents of said Peaks Island with water from wells or springs 20 for domestic or sanitary purposes, for a term of fifteen years 21 from the first day of January, nineteen hundred and twelve. 22 Said franchise to supply the residents of Peaks Island with 23 electricity or any of said purposes shall not be exclusive, 24 however, unless the said Peaks Island Corporation shall first 25 acquire by purchase, lease or otherwise, upon such terms as 26 the parties may agree, the property and plant for the gen- 27 eration of electricity located on Peaks Island, of any person,

28 firm or corporation authorized to supply and now actually  
29 supplying, at least during the summer months, the residents  
30 of Peaks Island with electricity for any of said purposes.  
31 This grant, however, is upon the condition that the said  
32 Peaks Island Corporation shall at all times after January  
33 first, nineteen hundred and twelve, and within a reasonable  
34 time after request by the city council of the city of Portland,  
35 supply at any point on said Peaks Island where its water or  
36 gas mains may now or hereafter be extended, to such an  
37 extent and in such manner as may be reasonably required, to  
38 any person, firm or corporation or to the city of Portland,  
39 water for domestic, sanitary or municipal purposes, or gas  
40 for lighting, heating, manufacturing or mechanical purposes,  
41 or for lighting any public streets, squares or public buildings,  
42 at a fair and reasonable rate of payment therefor; and in  
43 case said parties cannot agree upon the rate of payment  
44 therefor, the said company shall be obliged to furnish said  
45 water or gas at the rate to be fixed by three disinterested per-  
46 sons to be appointed by any justice of the supreme judicial  
47 court upon petition by either of the parties interested, and if  
48 said corporation shall at any time refuse or reasonably neg-  
49 lect to comply with this condition, the privilege herein  
50 granted shall be of no effect. The legislature further ex-  
51 pressly reserves the right to modify from time to time the  
52 rights and privileges herein granted as the interests of the  
53 public may require.

“This grant is made upon the further condition that the

2 city of Portland, or any village or municipal corporation that  
3 shall include said Peaks Island, shall have the right, upon  
4 vote of its city council or governing body, that effect, to take  
5 over, purchase and own for municipal purposes, the entire  
6 property, plant, franchises, rights and privileges of said  
7 Peaks Island Corporation, upon paying therefor whatever  
8 said property, plant, franchises, rights and privileges are  
9 fairly and equitably worth.

‘In order to carry out the purposes of possession and own-  
2 ership aforesaid, the city council shall, at least three months  
3 before the expiration of said term, give notice to the com-  
4 pany of its intention to exercise the right herein granted, and  
5 shall procure judicial appraisal of said property by bill in  
6 equity filed in the supreme judicial court for the county of  
7 Cumberland for that purpose at or before the expiration of  
8 the term of said franchise, and jurisdiction is hereby given to  
9 said court over the entire matter, including application of the  
10 purchase money, discharge of encumbrance and transfer of  
11 the property, for the purpose of fixing the valuation thereof  
12 and making just compensation therefor; it shall appoint  
13 three competent and disinterested appraisers, and upon pay-  
14 ment or tender by said city of the amount fixed and the per-  
15 formance of all other terms and conditions imposed by the  
16 court, said entire plant, property, franchise, rights and privi-  
17 leges shall become vested in said city and be free from all  
18 liens, mortgages and incumbrances theretofore created by  
19 said Peaks Island Gas Company.

The appraisers shall, after due notice and hearing, make  
2 their report to the court, and the court may accept such re-  
3 port or reject it or recommit the same or submit the subject  
4 matter thereof to a new board of appraisers and make any  
5 order relating to the same which justice and equity may  
6 require.'