

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 544

House of Representatives, March 13, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to authorize the town of Yarmouth to supply gas
and Electricity.

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

Section 1. The town of Yarmouth, by its municipal offi-
2 cers or by such commission as it may choose, is authorized
3 and empowered to buy, make, generate, transmit, supply,
4 sell and distribute electricity or gas, or both, for light, heat
5 and power in the town of Yarmouth, to said town and to
6 corporations, firms and individuals.

Sect. 2. Subject to the permission of said town, all loca-
2 tions upon, in or under streets, roads or ways in said town,

3 necessary for the purposes of this act, are hereby granted,
4 and the municipal officers shall designate the streets, roads
5 or ways to be so occupied, the location of the poles, and
6 may establish reasonable restrictions as to kind of poles,
7 their construction and maintenance, the height of wires and
8 use of guard wires.

Sect. 3. The town of Yarmouth, by its municipal officers
2 or by said commission, is authorized and empowered to
3 acquire, by lease or purchase, any lands, real estate or water
4 powers, developed or undeveloped, lying wholly or partly
5 in Yarmouth, and also the plant, property and franchises
6 of any company now or hereafter doing a similar business
7 in said town; to locate, construct and maintain dams; build
8 and equip power houses, reservoirs or gas holders; install
9 water wheels and dynamos; erect poles or lay pipes and
10 conduits and string wires above or below ground; to con-
11 tract with any corporation, firm or individual for the pur-
12 chase or sale of power of electricity; to lease its plant, for
13 not exceeding five years, to any corporation, firm or indi-
14 viduals; and to do all other things necessary to carry out
15 the purposes set forth in section one.

Sect. 4. Before the town of Yarmouth shall construct any
2 plant under the provisions of this act it shall purchase the
3 plant, property and franchises of the Yarmouth Lighting
4 Company, provided the said company desires to sell; and
5 said company hereby is authorized to sell. The procedure
6 shall be as follows: When the town of Yarmouth shall

7 vote to enter upon the business of supplying gas and elec-
8 tricity, or either, the town clerk shall notify the said Yar-
9 mouth Lighting Company of such action by registered letter
10 directed to its office. If, within thirty days thereafter, said
11 company signify in writing to said town clerk its decision
12 to sell, it shall within ninety days after so signifying deliver
13 to said town suitable deeds, or other instruments conveying
14 its plant, property and franchises; and said town shall pay
15 to said company the fair value thereof, to be ascertained as
16 hereinafter provided. Should said town and said company
17 be unable to agree upon the value of said plant, property
18 and franchises, then such value shall be determined by three
19 appraisers, one of whom shall be chosen by the town, one
20 by the company, and a third by these two, or, if they be
21 unable to agree, the third shall be named by the chief justice
22 of the supreme court of Maine. Provided, however, that
23 such value shall be estimated without enhancement on ac-
24 count of future earning capacity.

Sect. 5. Said town, by its municipal officers or commis-
2 sion, shall have the right to take any land or real estate or
3 undeveloped water power, located wholly or partly in the
4 town of Yarmouth, as may be necessary for the purpose of
5 carrying out the provisions of this act. Said town, by its
6 municipal officers or said commission may enter upon any
7 lands or real estate so taken and held, to make surveys and
8 locations, and shall file in the registry of deeds in the county
9 in which such land or property lies, plans of such lands and

10 locations, showing the property taken within said county,
11 and within thirty days thereafter, shall publish notice of
12 such taking and filing in some newspaper published in said
13 county wherein said land is taken, such publication to be
14 continued three weeks successively, and such filing in the
15 registry of deeds shall be in lieu of any other filing now
16 required by law.

Sect. 6. Should the said town of Yarmouth, by its municipi-
2 pal officers or said commission, and the owner of such land,
3 real estate or undeveloped water power, be unable to agree
4 upon the damages to be paid for such taking, location and
5 holding, the land owner or the town of Yarmouth by its
6 municipal officers or said commission, may, within six
7 months after the filing of said plans and location, apply to
8 the commissioners of the county wherein said land lies, who
9 shall cause such damages to be assessed in the same manner,
10 and under the same conditions, restrictions, limitations and
11 rights of appeal as are by law prescribed in the case of dam-
12 ages for the laying out of railroads, so far as such law is
13 consistent with the provisions of this act.

Sect. 7. Said town is hereby authorized to issue bonds
2 or town orders for carrying out this act, upon such rates
3 and time, and to such amounts as it may deem necessary,
4 subject to provisions of chapter fifty-five of the revised
5 statutes known as the Public Utilities Act.

Sect. 8. Said town shall not exercise the powers and
2 privileges conferred on it by this act until it shall have ob-

3 tained the consent of the public utilities commission given
4 after public hearing of all parties interested, with a declara-
5 tion that public convenience and necessity require the exer-
6 cise of said powers and privileges by said town; provided,
7 however, that such consent shall not be necessary for said
8 town to furnish electricity for its own municipal purposes.