

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 1127

H. D. No. 373

House of Representatives, Mar. 11, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Martin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Amend Section Thirty-seven of Chapter Fifty-five of the Revised Statutes as Amended by Chapter One Hundred and Twenty-eight of the Public Laws of Nineteen Hundred and Nineteen, Relating to the Authorization of Issue of Stocks, Bonds and Notes by Public Utilities.

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

Section thirty-seven of chapter fifty-five of the revised
2 statutes as amended by chapter one hundred and twenty-
3 eight of the public laws of nineteen hundred and nineteen
4 is hereby amended by adding to said section the following:
5 'Notwithstanding any limitations in its charter, any water
6 district now organized and doing business in the state, act-

7 ing through its board of trustees, may issue bonds, notes or
8 other evidences of indebtedness under the authority and on
9 the terms granted by this section. The trustees of any such
10 water district may issue notes or other evidences of indebted-
11 ness payable at periods of less than twelve months after the
12 date thereof from time to time as may be necessary in order
13 to carry out the purposes of its charter,' so that said section
14 thirty-seven as amended shall read as follows:

'Sect. 37. May issue stocks, bonds, etc., to reimburse treas-
2 ury for money used for acquisition of property, etc., actual-
3 ly expended from income or other moneys. Any public
4 utility now organized and existing, and doing business in
5 the state or hereafter incorporated under and by virtue of
6 the laws of the state of Maine, may issue stocks, bonds,
7 which may be secured by mortgages of its property, fran-
8 chises or otherwise, notes or other evidences of indebted-
9 ness payable at periods of more than twelve months after
10 date thereof, when necessary for the acquisition of property
11 to be used for the purpose of carrying out its corporate
12 powers, the construction, completion, extension or improve-
13 ments of its facilities, or for the improvement or mainte-
14 nance of its service, or for the discharge or lawful refund-
15 ing of its obligations, or to reimburse its treasury for moneys
16 used for the acquisition of property, the construction, com-
17 pletion, extension or improvements of its facilities and
18 which actually were expended from income or from other
19 moneys in the treasury of the corporation not secured by

20 or obtained from the issue of stocks, bonds, notes or other
21 evidences of indebtedness of such corporation, or for such
22 other purposes as may be authorized by law; provided and
23 not otherwise, that upon written application, setting forth
24 such information as the commission may require, there
25 shall have been secured from the commission an order au-
26 thorizing such issue and the amount thereof and stating
27 that in the opinion of the commission the sum of the cap-
28 ital to be secured by the issue of said stocks, bonds, notes
29 or other evidences of indebtedness is required in good faith
30 for purposes enumerated in this section; but the provisions
31 of this chapter shall not apply to any stocks or bonds or
32 other evidences of indebtedness heretofore lawfully author-
33 ized and issued; provided, however, that the commission
34 may at the request of any public utility approve the issue
35 of any stocks or bonds heretofore authorized but not issued.
36 For the purpose of enabling the commission to determine
37 whether it shall issue such an order, the commission shall
38 make such inquiries for investigation, hold such hearings
39 and examine such witnesses, books, papers, documents or
40 contracts as it may deem of importance in enabling it to
41 reach a determination. No order of the commission author-
42 izing the issue of any stocks, bonds, notes or other evidences
43 of indebtedness shall limit or restrict the powers of the
44 commission in determining and fixing any rate, fare, toll,
45 charge, classification, schedule, or joint rate as provided
46 in this chapter; provided, however, that no public utility

47 shall be required to apply to the commission for authority
48 to issue stocks, bonds, notes or other evidences of indebted-
49 ness for the acquisition of property, for the purposes of
50 carrying out its corporate powers, the construction, comple-
51 tion, extension or improvement of its facilities, or the im-
52 provement or maintenance of its service outside the state,
53 and this proviso shall apply also to the following section.
54 Notwithstanding any limitations in its charter, any water
55 district now organized and doing business in the state, act-
56 ing through its board of trustees, may issue bonds, notes
57 or other evidences of indebtedness under the authority and
58 on the terms granted by this section. The trustees of any
59 such water district may issue notes or other evidences of
60 indebtedness payable at periods of less than twelve months
61 after the date thereof from time to time as may be necessary
62 in order to carry out the purposes of its charter.'