

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1251

H. D. No. 474

House of Representatives, March 27, 1925.

Reported by Mr. Martin of Augusta from Committee on
Judiciary and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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 Hun-
dred and Twenty-eight of the Public Laws of Nineteen Hun-
dred 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 further amended by adding to said section the
5 following:

'Without in any way restricting the general language here-

2 of, this section shall be construed to authorize any municipi-
3 pal or quasi municipal corporation included within this
4 chapter to issue, upon vote of its trustees or similar gov-
5 erning board, bonds, notes or other evidences of indebted-
6 ness for the purposes herein specified and subject to the
7 approval of the commission as herein provided. 'The trus-
8 tees or similar governing boards of any such corporations
9 may issue notes or other evidences of indebtedness payable
10 at periods of less than twelve months after the date there-
11 of when necessary to carry out the purposes of such cor-
12 porations,' so that said section, as amended, shall read as
13 follows:

'Sect. 37. Any public utility now organized and existing,
2 and doing business in the state or hereafter incorporated
3 under and by virtue of the laws of the state of Maine, may
4 issue stocks, bonds, which may be secured by mortgages of
5 its property, franchises or otherwise, notes or other evi-
6 dences of indebtedness payable at periods of more than
7 twelve months after date thereof, when necessary for the
8 acquisition of property to be used for the purpose of carry-
9 ing out its corporate powers, the construction, completion,
10 extension or improvements of its facilities, or for the im-
11 provement or maintenance of its service, or for the dis-
12 charge or lawful refunding of its obligations, or to reim-
13 burse its treasury for moneys used for the acquisition of
14 property, the construction, completion, extension or im-
15 provements of its facilities and which actually were ex-

16 pended from income or from other moneys in the treasury
17 of the corporation not secured by or obtained from the
18 issue of stocks, bonds, notes or other evidences of indebt-
19 edness of such corporation, or for such other purposes as
20 may be authorized by law; provided and not otherwise, that
21 upon written application, setting forth such information as
22 the commission may require, there shall have been secured
23 from the commission an order authorizing such issue and
24 the amount thereof and stating that in the opinion of
25 the commission the sum of the capital to be secured by
26 the issue of said stocks, bonds, notes or other evidences of
27 indebtedness is required in good faith for purposes enumer-
28 ated in this section; but the provisions of this chapter shall
29 not apply to any stocks or bonds or other evidences of in-
30 debtedness heretofore lawfully authorized and issued; pro-
31 vided, however, that the commission may at the request of
32 any public utility approve the issue of any stocks or bonds
33 heretofore authorized but not issued. For the purpose of
34 enabling the commission to determine whether it shall issue
35 such an order, the commission shall make such inquiries
36 for investigation, hold such hearings and examine such wit-
37 nesses, books, papers, documents or contracts as it may
38 deem of importance in enabling it to reach a determination.
39 No order of the commission authorizing the issue of any
40 stocks, bonds, notes or other evidences of indebtedness shall
41 limit or restrict the powers of the commission in deter-
42 mining and fixing any rate, fare, toll, charge, classification,

43 schedule, or joint rate as provided in this chapter ; provided,
44 however, that no public utility shall be required to apply
45 to the commission for authority to issue stocks, bonds, notes
46 or other evidences of indebtedness for the acquisition of
47 property, for the purposes of carrying out its corporate
48 powers, the construction, completion, extension or improve-
49 ment of its facilities, or the improvement or maintenance
50 of its service outside the state, and this proviso shall apply
51 also to the following section.

‘Without in any way restricting the general language here-
2 of, this section shall be construed to authorize any municipi-
3 pal or quasi municipal corporation included within this
4 chapter to issue, upon vote of its trustees or similar gov-
5 erning board, bonds, notes or other evidences of indebted-
6 ness for the purposes herein specified and subject to the
7 approval of the commission as herein provided. The trus-
8 tees or similar governing boards of any such corporations
9 may issue notes or other evidences of indebtedness payable
10 at periods of less than twelve months after the date there-
11 of when necessary to carry out the purposes of such cor-
12 porations.’