

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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S. P. No. 241

S. D. No. 95

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In Senate, Feb. 17, 1925.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for Concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Cram of Cumberland.

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STATE OF MAINE

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

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AN ACT to Incorporate the Central Heating Company of  
Portland.

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

Section 1. *Incorporators; Name; Purposes.* James C.  
2 Boyd, David E. Moulton, Norman True, Ernest L. Small,  
3 H. Herbert Sturgis, Rex Dodge, Lyman B. Chipman, Wil-  
4 liam L. Blake and Charles R. Nelson, with their associates  
5 and successors, be and are hereby made a corporation under  
6 the name of the Central Heating Company of Portland, for  
7 the purposes of furnishing steam or hot water for heat and  
8 other purposes in the City of Portland; and as such cor-  
9 poration shall possess all the powers and privileges and be

10 subject to all the liabilities and obligations imposed upon  
11 corporations by law except as herein otherwise provided.  
12 All incidental powers, rights and privileges necessary to the  
13 accomplishment of the main objects herein set forth are  
14 granted to the corporation hereby created.

Sect. 2. *Location.* The place of business of said corpo-  
2 ration shall be at Portland in the County of Cumberland  
3 and State of Maine.

Sect. 3. *Authorized to Lay Pipes in Streets; May Cross*  
2 *Railroads; Construction Work on Streets Not to Obstruct*  
3 *Public Travel More Than Necessary.* The said corporation  
4 is hereby authorized to lay, construct and maintain in, under,  
5 through, along, over and across streets, courts, and alleys in  
6 the said city of Portland and to take up, replace, and re-  
7 pair, all such conduits, pipes, and other appliances as may  
8 be found necessary and convenient for the conveyance and  
9 distribution of steam or hot water for heating and other  
10 purposes, under such reasonable restrictions and conditions  
11 as the municipal officers of said city may impose; and in  
12 case of the crossing of any railroad, unless consent is given  
13 by the Company owning or operating such railroad as to the  
14 place, manner and conditions of the crossing within thirty  
15 days after such consent is requested by said Heating Com-  
16 pany, the Public Utilities Commission shall determine the  
17 place, manner, and conditions of all such crossings and all  
18 work done within the limits of such railroad location shall  
19 be done under the supervision and to the satisfaction of

20 such railroad company, but at the expense of said Heating  
21 Company; and the said corporation shall be responsible for  
22 all damage to the said city and to all persons and property  
23 occasioned by such use of the ways and streets in said city.

Whenever the said corporation shall lay down or construct  
2 any pipe or fixtures in any way or street or make any altera-  
3 tions or repairs upon its works in any way or street it shall  
4 cause the same to be done with as little obstruction to public  
5 travel as may be practicable and it shall at its own expense,  
6 without unnecessary delay cause the earth and pavement  
7 then removed by it, to be replaced in proper condition.

Sect. 4. *Authorized to Make Contracts to Supply Heat;*  
2 *City and County Authorized to Contract with Heating Com-*  
3 *pany.* The said corporation is hereby authorized to make  
4 contracts with the United States, the State of Maine, the  
5 County of Cumberland, the City of Portland and with the  
6 inhabitants thereof or any corporation doing business therein  
7 for the supply of steam or hot water for heat and other  
8 purposes of its incorporation and such persons and corpora-  
9 tions and the said State of Maine, County of Cumberland  
10 and City of Portland by their proper officers are hereby  
11 authorized to enter into any contract with the said corpora-  
12 tion for such supply of steam or hot water as they may deem  
13 expedient, and said contracts shall be legal and binding upon  
14 all parties thereto.

Sect. 5. *Authorized to Erect Necessary Structures.* The  
2 said corporation is hereby authorized for the purposes of its

3 incorporation to erect and maintain all buildings and struc-  
4 tures necessary and convenient for its corporate purposes.

Sect. 6. *Authorized to Purchase Lands and Equipment  
2 of Other Utilities.* The said Heating Company is hereby  
3 authorized to lease or purchase from any Utility now doing  
4 business in said City of Portland, any real estate, buildings,  
5 structures or equipment useful in carrying out the purposes  
6 of its incorporation, and any such Utility is hereby author-  
7 ized to sell or lease the same to the said Heating Company  
8 on terms and prices to be fixed and agreed upon by the two  
9 interested corporations, subject to the approval of the Public  
10 Utilities Commission.

Sect. 7. *Capital Stock; Shares.* The capital stock of the  
2 said corporation shall consist of five thousand (5,000) shares  
3 of common stock of no par value, and five thousand (5,000)  
4 shares of preferred stock of the par value of One Hundred  
5 Dollars (\$100) per share, which shall have such preference  
6 as the corporation may provide by its by-laws and each  
7 class of stock shall have and exercise such other rights and  
8 privileges, and be subject to such restrictions as the said  
9 by-laws may prescribe.

Sect. 8. *May Issue Bonds Subject to the Approval of the  
2 Public Utilities Commission.* The said corporation, sub-  
3 ject to the approval of the Public Utilities Commission may  
4 issue its bonds of any and all kinds upon such rates and  
5 times as it may deem expedient, to an amount not exceeding  
6 its capital stock subscribed for and secure the same by mort-  
7 gage of its franchises and property.

Sect. 9. *First Meeting; How Called.* The first meeting  
2 of the corporation shall be called by written notice therefor,  
3 signed by any one of the named incorporators, served upon  
4 each named incorporator by giving him the same in hand,  
5 or by leaving the same at his last and usual place of abode  
6 or by mailing the same to his last known address, postage  
7 prepaid, at least seven days before the time of meeting, and  
8 due certificate under oath of such service or mailing shall  
9 be deemed to be conclusive proof thereof. A majority of  
10 the incorporators named shall be sufficient to effect organi-  
11 zation of the corporation. At such meeting or any adjourn-  
12 ment thereof the said incorporators may adopt by-laws for  
13 the government of said corporation and carrying out its  
14 purposes, not inconsistent with the laws of this state.

Sect. 10. *Existing Statutes Not Affected; Subject to Pro-*  
2 *visions of Revised Statutes, Chapter 55.* Nothing herein  
3 contained is intended to repeal or shall be construed as re-  
4 pealing the whole or any part of any existing statute and  
5 all of the rights and duties herein mentioned shall be exer-  
6 cised and performed in accordance with all of the provisions  
7 of Chapter 55, of the Revised Statutes, and Acts Amend-  
8 atory thereof and Additional thereto, the said corporation  
9 being hereby expressly declared to be a public utility and  
10 subject to the provisions of said chapter.