

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 40

S. P. 100

In Senate, Feb. 3, 1927.

Taken from the table on motion by Senator Smith of Somerset and on further motion by same senator referred to Committees on Public Utilities, Interior Waters, and Judiciary. Sent down for concurrence. 1500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Smith of Somerset.

STATE OF MAINE

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

An Act to Provide for the Organization of Electric Transmission Companies, with Limited Powers, and to Provide for Issuing Permits to Electrical Companies and Others to Sell Electricity Thereto for Transportation and Sale Outside of the State of Maine under Certain Specified Conditions.

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

Section 1. Corporations for the purpose of purchasing
2 electric current or energy however generated, upon the
3 terms and conditions hereinafter prescribed in this act, and
4 not otherwise, from such persons, firms or corporations

5 only as obtain and observe the terms of the permit here-
6 inafter provided for and the provisions of this act, and
7 for the purpose of transporting, transmitting, and selling
8 the same only in accordance with the provisions of this act
9 may be organized under the general law in the manner
10 prescribed in chapter fifty-one of the revised statutes and
11 acts amendatory thereof or additional thereto, provided,
12 however, that no corporation organized under this act shall,
13 nor shall it have the power or authority to, own, operate
14 or control any hydro-electrical generating plant or electrical
15 company within the meaning of the definition of "electri-
16 cal company" as contained in section fifteen of chapter
17 fifty-five of the revised statutes of Maine for nineteen hun-
18 dred and sixteen.

Sect. 2. Such persons, firms and corporations only as
2 obtain the permit hereinafter provided for in this act, are
3 hereby authorized to sell such electric current or energy
4 as may be prescribed in said permit to corporations organ-
5 ized under this act for so long a time only as they and the
6 corporations organized under this act observe the terms
7 and conditions of this act and of said permit.

Sect. 3. So long as the terms and conditions of this act
2 and of said permit be observed by both the corporation
3 organized under authority of this act and the person, firm
4 or corporation from whom it purchases electricity under
5 the terms and conditions of this act and such permit, the
6 corporation organized under this act shall have authority
7 to transport and transmit the same within the state of

8 Maine and to transport, transmit, sell and deliver the same
9 outside the state of Maine in accordance with the provisions
10 of this act and not otherwise. No corporation organized
11 under authority of this act shall, nor shall it have authority
12 to, sell electric current or energy within the territorial limits
13 of the state of Maine.

Sect. 4. Any person, firm or corporation organized under
2 the laws of this state, or organized by special act of the
3 legislature of this state, who generates, or is engaged in
4 the business of the generation, sale or distribution of elec-
5 tricity or electric current or energy, however developed,
6 may file a petition with the public utilities commission of
7 the state of Maine, setting forth that it has already devel-
8 oped, or purposes to develop, water power for the genera-
9 tion of electricity or electric energy in a quantity or quan-
10 tities which, together with that already developed by it, is
11 in excess of that required to supply the available market
12 therefor in the state of Maine in the territory in which it
13 is authorized to sell the same, and petition the public Utili-
14 ties commission of the state of Maine for permission to
15 sell the whole or such part of said excess as the public
16 utilities commission may determine to a corporation organ-
17 ized under the provisions of this act. Whereupon the pub-
18 lic utilities commission shall appoint a hearing thereon and
19 order public notice thereof in the state newspaper and at
20 least two other daily papers published in the state of Maine,
21 to be published daily, except Sunday, three weeks succes-
22 sively before the date of hearing, and shall further cause

23 a copy of said petition and order of notice to be served
24 on the secretary of state in behalf of said state, which serv-
25 ice may be made on the secretary of state by leaving a copy
26 of said petition and order of notice thereon at the office
27 of the secretary of state in the state house at Augusta at
28 least fourteen days before the date of hearing; the state
29 shall be represented at said hearing by the attorney gen-
30 eral, if requested by the governor. If, at the hearing the
31 facts stated in said petition are found to be true, the pub-
32 lic utilities commission shall issue a permit to said peti-
33 tioner authorizing it to sell and deliver to said corporation,
34 organized under this act, such amount of said electric cur-
35 rent or energy generated by it, as may be in excess of that
36 required to supply the available market therefor in the state
37 of Maine in the territory in which it is authorized to sell
38 the same, including that required to supply other public
39 utilities in accordance with the provisions of section six
40 of chapter sixty of the revised statutes of nineteen hun-
41 dred and sixteen. Said permit shall be expressly limited
42 to continue for so long a time only as said petitioner is
43 able to meet and supply, and does meet and supply, all
44 demands for electric current for use in the available mar-
45 ket therefor in the state of Maine in the territory in which
46 it is authorized to sell the same, including that required to
47 supply other public utilities in accordance with the pro-
48 visions of section six of chapter sixty of the revised stat-
49 utes of nineteen hundred and sixteen, in accordance with
50 such conditions as may be prescribed and at such rates as

51 may be approved by said public utilities commission. Said
52 permit shall further expressly provide that it shall con-
53 tinue in force only so long as both the petitioner therefor
54 and the corporation formed under this act to whom per-
55 mission is granted said petitioner to sell said electric cur-
56 rent or energy shall observe and abide by the terms and
57 conditions of said permit, of this act, and the terms and
58 conditions of the contract with the state of Maine here-
59 inafter referred to. Said permit, however, shall not issue
60 unless and until the said petitioner shall, in consideration
61 of its issue, sign a contract to and in favor of the state of
62 Maine, agreeing to abide by the terms of said permit and
63 that, during the continuance of said permit, it will not
64 either sell or transport or sell to be transported beyond the
65 state of Maine any electric current or energy, generated
66 by water power, other than under that or a similar permit,
67 or as permitted under section one of chapter sixty of the
68 revised statutes of nineteen hundred and sixteen, without
69 express authority therefor granted to it by special act of
70 the legislature of the state of Maine, and that it will not,
71 while said permit is in force, violate the terms of section
72 one of chapter sixty of the revised statutes of nineteen
73 hundred and sixteen.

Sect. 5. No person, firm or corporation, to whom such
2 a permit is issued shall sell, nor shall any corporation or-
3 ganized under this act have any authority under its cor-
4 porate powers to purchase any electricity or electric energy
5 under this act unless the contract of sale shall contain a

6 clause making such contract dependent upon the observance
7 by both parties thereto of the terms and conditions of this
8 act respectively applicable to them, the terms and conditions
9 of said permit, and said contract with the state of Maine.

Sect. 6. When such permit is issued, and only so long
2 as the terms of the same are observed by the corporation
3 organized under this act and by said party to whom said
4 permit is issued, and the contract with the state of Maine
5 above referred to is kept by said petitioner, petitioner may
6 continue to sell and deliver said current to the corporation
7 created by this act, notwithstanding the provisions of sec-
8 tion one of chapter sixty of the revised statutes of nine-
9 teen hundred and sixteen, and shall not be subject to the
10 penalties of section two of said chapter, and the corpora-
11 tion organized under this act may, during said time, trans-
12 port and transmit within the state of Maine and transport,
13 transmit, sell and deliver said electric current or energy
14 purchased under said permit beyond the limits of the state
15 of Maine.

Sect. 7. If any person, firm or corporation to whom a
2 permit is issued under this act violates the terms of said
3 permit or contract with the State of Maine provided for in
4 the preceding sections, upon the filing of a bill in equity
5 in behalf of the state of Maine by the attorney general
6 and prayer therefor, an injunction may issue, restraining
7 said permittee from further sale and delivery of electricity
8 and electric current in violation of said permit and con-
9 tract, and the supreme judicial court in equity is hereby

10 expressly granted jurisdiction to hear and determine said
11 bill in accordance with the usual practice in equity.

Sect. 8. Any person, firm or corporation to whom a
2 permit is issued under this act may surrender said permit
3 by written notice thereof, filed with said public utilities
4 commission; and if any person, firm or corporation, to
5 whom a permit is issued under this act violates any of the
6 terms or conditions of this act, or the terms of said per-
7 mit or of the contract with the state of Maine, or if any
9 corporation organized under this act, purchasing electricity
9 under a permit provided for in this act, violates any of
10 the terms or conditions of this act, the public utilities com-
11 mission, after notice and hearing, may cancel such permit.

Sect. 9. No corporation shall be organized under the
2 authority of this act with a capital of less than one
3 hundred thousand dollars (\$100,000); and subscriptions to
4 its capital stock to at least said amount shall be made at
5 the time of its organization; no corporation organized un-
6 der this act shall do any other business than perfect its
7 organization before said amount of capital stock be actu-
8 ally paid into its treasury.

Sect. 10. No corporation organized under authority of
2 this act shall, nor shall it have authority to, accept delivery
3 of any electric current or energy from any person, firm
4 or corporation to whom a permit is issued under the pro-
5 visions of this act, nor shall any person, firm or corpora-
6 tion to whom a permit is issued under the authority of this
7 act deliver current or energy to a corporation formed un-

8 der the authority of this act, at any place within one-fourth
9 of a mile from the boundary of the state of Maine; pro-
10 vided, however, nothing in this section shall prevent deliv-
11 ery and acceptance of delivery at the generating plant of
12 the permittee, if such plant be less than one-fourth of a
13 mile from said boundary.

Sect. 11. Permits to cross public highways may be grant-
2 ed to corporations organized under authority of this act by
3 the same authorities, and in the same manner, as permits
4 to cross such highways are granted to other electric com-
5 panies in the state of Maine; provided, however, that upon
6 petition therefor the public utilities commission of the state
7 of Maine shall prepare and furnish plans and specifications
8 for the construction of said transmission line at the point
9 where it crosses such highway, and said transmission line
10 where it crosses such highway shall be built and constructed
11 only in accordance with the plans and specifications so
12 furnished.

Sect. 12. This act shall be submitted for approval or
2 rejection to the duly qualified voters of the state of Maine
3 at an election to be held on the second Monday in Septem-
4 ber in the year A. D. nineteen hundred twenty-seven. The
5 aldermen of cities, the selectmen of towns and the assessors
6 of the several plantations in this state, are hereby empow-
7 ered and directed to notify the inhabitants of their re-
8 spective cities, towns and plantations to meet in the man-
9 ner prescribed by law for calling and holding biennial meet-
10 ings of said inhabitants for the election of senators and

11 representatives to give their votes upon this act and the
12 question shall be: "Shall the act providing for the organ-
13 ization of electric transmission companies, with limited
14 powers, and to provide for issuing permits to electrical
15 companies and others to sell electricity thereto for trans-
16 portation and sale outside of the state of Maine under cer-
17 tain specified conditions, which limitations and conditions
18 are contained therein, be accepted?"

And the inhabitants of said cities, towns and plantations
2 shall vote by ballot on said question, those in favor of the
3 same expressing it by making a cross within the square
4 opposite the word "yes" upon their ballots and those op-
5 posed to the question by making a cross within the square
6 opposite the word "no" upon their ballots, and the ballots
7 shall be received, sorted, counted and declared in open
8 ward, town and plantation meetings, and returns made to
9 the office of the secretary of state in the same manner as
10 votes for governor and members of the legislature, and the
11 governor and council shall count the same, and if it shall
12 appear that a majority of the inhabitants voting on the
13 question are in favor of the act, the governor shall make
14 known the fact by his proclamation, and thereupon this act
15 shall become law. The secretary of state shall prepare and
16 furnish to the several cities, towns and plantations ballots
17 and blank returns in conformity with the foregoing, accom-
18 panied by a copy thereof.