

# MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 784

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S. P. 209

In Senate, Feb. 27, 1931.

Reported by Senator Crosby of Penobscot from Committee on Legal Affairs and laid on Table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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

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AN ACT to Incorporate the Maine Heating Corporation.

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

Section 1. Corporators; purposes; incidental powers granted. John D. Bramson, George H. MacGowan, James R. Callahan, Frederick J. Peaslee and Joseph S. Bucknam, Jr., with their associates and successors, be and are hereby made a corporation under the name of the MAINE HEATING CORPORATION of Portland, for the purposes of furnishing steam or hot water for heat and other purposes; and as such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law except as herein otherwise provided. All incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to the corporation hereby created.

Sec. 2. Location. The place of business of said corporation shall be at Portland in the County of Cumberland and State of Maine.

Sec. 3. Authority to lay pipes, conduits, etc., in city streets and public ways; procedure where railroad tracks are crossed. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across streets, courts, and alleys and public ways, and to take up, replace, and

repair, all such conduits, pipes, and other appliances as may be found necessary and convenient for the conveyance and distribution of steam or hot water for heating and other purposes, under such reasonable restrictions and conditions as the municipal officers may impose; and in case of the crossing of any railroad, unless consent is given by the Company owning or operating such railroad as to the place, manner and conditions of the crossing within thirty days after such consent is requested by said heating company, the public utilities commission shall determine the place, manner, and conditions of all such crossings and all work done within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company, but at the expense of said heating company and the said corporation shall be responsible for all damage to any city or town, and to all persons and property occasioned by such use of the ways and streets. Whenever the said corporation shall lay down or construct any pipe or fixtures in any way or street or make any alterations or repairs upon its works in any way or street it shall cause the same to be done with as little obstruction to public travel as may be practicable and it shall at its own expense, without unnecessary delay cause the earth and pavement then removed by it, to be replaced in proper condition.

Sec. 4. Authorized to construct with federal, state, county and municipal governments. The said corporation is hereby authorized to make contracts with the United States, and with any state, county or municipality, and with the inhabitants thereof, or any corporation doing business therein for the supply of steam or hot water for heat and other purposes of its incorporation and such persons and corporations by their proper officers are hereby authorized to enter into any contract with the said corporation for such supply of steam or hot water as they may deem expedient, and said contracts shall be legal and binding upon all parties thereto.

Sec. 5. Authorized to erect buildings. The said corporation is hereby authorized for the purposes of its incorporation to erect and maintain all buildings and structures necessary and convenient for its corporate purposes.

Sec. 6. Authorized to purchase or lease buildings from any utility. The said heating company is hereby authorized to lease or purchase from any utility doing business in the State

of Maine, any real estate, buildings, structures or equipment useful in carrying out the purposes of its incorporation, and any such ability is hereby authorized to sell or lease the same to the said heating company on terms and prices to be fixed and agreed upon by the two interested corporations, subject to the approval of the public utilities commission.

Sec. 7. Capital stock, common and preferred. The capital stock of the said corporation shall consist of ten thousand shares of common stock of no par value, and one hundred thousand shares of preferred stock of the par value of ten dollars per share, which shall have such preference as the corporation may provide by its by-laws and each class of stock shall have and exercise such other rights and privileges, and be subject to such restrictions as the said by-laws may prescribe.

Sec. 8. May issue bonds subject to approval of public utilities commission. The said corporation, subject to the approval of the public utilities commission may issue its bonds of any and all kinds upon such rates and times as it may deem expedient, to an amount not exceeding its capital stock subscribed for and secure the same by mortgage of its franchises and property.

Sec. 9. First meeting how called; adoption of by-laws. The first meeting of the corporation shall be called by written notice therefor, signed by any one of the named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode or by mailing the same to his last known address, postage prepaid, at least seven days before the time of meeting, and due certificate under oath of such service or mailing shall be deemed to be conclusive proof thereof. A majority of the incorporators named shall be sufficient to effect organization of the corporation. At such meeting or any adjournment thereof the said incorporators may adopt by-laws for the government of said corporation and carrying out its purposes, not inconsistent with the laws of this state.

Sec. 10. Existing statutes not affected; rights conferred subject to R. S., c. 55. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute and all of the rights and duties herein mentioned shall be exercised and performed in accord-

ance with all of the provisions of chapter fifty-five, of the revised statutes, and act amendatory thereof and additional thereto, the said corporation being hereby expressly declared to be a public utility and subject to the provisions of said chapter.