

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 46

H. P. 68

House of Representatives, Jan. 18, 1933.

Referred to Committee on Judiciary and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Forgue of Lewiston.

STATE OF MAINE

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

AN ACT Authorizing the City of Lewiston to Enlarge its
Municipal Electric Plant, and to Sell Light, Heat and Power
to its Inhabitants, and Creating the Lewiston Electric Au-
thority.

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

Section 1. **Lewiston Electric Authority created.** The mayor of the city of Lewiston serving at the time this act shall go into effect shall appoint two persons who, with the mayor, shall constitute the Lewiston Electric Authority. The said mayor and two associates, and their successors in office, are hereby created a body corporate under the name of the Lewiston Electric Authority, and by that name may sue and be sued, may purchase, lease, or otherwise acquire real and personal property, and do all other acts and things necessary or convenient for carrying out the purposes for which the corporation is created. The first two associates shall be appointed by the mayor one for one year and one for two years, and thereafterwards the associate members shall be appointed for terms of two years each. In all cases the associate member shall continue to serve until his successor is appointed and qualified. The mayor of the city shall always be chairman. One associate member shall annually be chosen secretary and one associate member treasurer. The treasurer

shall give such bond to the Authority as may be from year to year determined.

Sec. 2. Authority to own and control municipal electric plant for benefit of inhabitants. The Lewiston Electric Authority shall take over from the city of Lewiston the title to and control of the municipal electric plant. The acceptance of this act by the voters of Lewiston as provided in the last section hereof shall be considered their assent to the said transfer of title without further action by them or by the city council. The Authority shall operate the plant for the benefit of the inhabitants of the city of Lewiston and not for profit.

Sec. 3. Authority to enlarge the plant. The Lewiston Electric Authority shall be and is hereby authorized and empowered to develop and enlarge said plant by purchasing, leasing, or otherwise acquiring water power, or by generating electricity by steam power, or by any other power which now exists or may in the future be invented; and by increasing its generating, transmitting and delivering equipment as the demand for electric energy increases.

Sec. 4. Authority to sell light, heat and power to inhabitants. Public Utilities Commission not to have jurisdiction. The Lewiston Electric Authority shall be and is hereby authorized and empowered, in addition to lighting the streets and public buildings of Lewiston, to sell electric energy for light, heat and power to any and all of the inhabitants of Lewiston, persons, firms, and corporations, at cost. The term, "at cost", as used herein, shall be construed as meaning without financial profit. Neither the rates to be charged for electric energy sold, nor the kind or quality of service, nor questions of public convenience or necessity, shall be determined, reviewed or overseen by the public utilities commission; but the public utilities commission shall have no jurisdiction in any respect over the Lewiston Electric Authority. Such rates and questions shall be determined solely by the Authority.

Sec. 5. May borrow money, but not on city's credit. Exception. The Lewiston Electric Authority shall be and is hereby authorized and empowered to issue its bonds, notes, or other obligations from time to time, as may by it be de-

terminated, and may secure the same by mortgage, conditional sale contract, or other security of and upon the property or assets of the Authority. Such obligations shall be the indebtedness of the Lewiston Electric Authority only, and not the indebtedness of the city of Lewiston. Provided, however, that the city of Lewiston may guarantee any proposed issue of bonds by vote of the qualified electors of said city taken at any regular election or at any special election called for such purpose.

Sec. 6. **Members of Authority and city exempt from liability.** The members of the Lewiston Electric Authority shall not be responsible as individuals upon any contract, express or implied, or the Authority, nor for any civil wrong alleged to have been committed by the Authority or its servants or agents, nor for any judgment of any court obtained against the Authority or its servants or agents. Nor shall the city of Lewiston have any such responsibility, except in such cases as it has guaranteed any contract by vote of its legally qualified voters by election as provided herein.

Sec. 7. **Referendum.** This act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held on the 2nd Monday of September in the year 1933, and warrants shall be issued for such election in manner now provided by law for holding municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1933, entitled, 'An act authorizing the city of Lewiston to enlarge its municipal electric plant, and to sell light, heat and power to its inhabitants, and creating the Lewiston Electric Authority', be accepted?" Which shall be printed on the official ballots and at said election the voters of said city in favor of accepting the act shall vote "Yes" and those opposed shall vote "No". Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in

all other respects be conducted according to law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall be in favor of accepting the same, then this act shall forthwith take effect as herein provided. So much of this act as authorizes the submission of this act to the voters of Lewiston shall take effect as provided in the constitution, but it shall not take further effect unless adopted by said voters as hereinbefore provided.