

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)

ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1895.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

SECT. 10. Municipal courts and trial justices shall have jurisdiction of the offenses named in sections seven, eight and nine.

CHAP. 102

Jurisdiction of municipal courts and trial justices.

SECT. 11. Towns and cities may make by-laws not inconsistent with this act, defining more particularly the duties of such inspector of buildings, and the rules and regulations by which he is to be governed.

Towns may make by-laws defining duties.

SECT. 12. Municipal officers shall determine the compensation or salary of the inspector of buildings.

—salary.

SECT. 13. This act shall take effect when approved.

Approved March 14, 1895.

Chapter 102.

An Act to provide for the incorporation and control of Gas and Electric Companies, for lighting, heating, manufacturing and mechanical purposes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns, within this state, or for either or any of such purposes, may be organized under the provisions of sections sixteen, seventeen, eighteen, nineteen and twenty of chapter forty-eight of the revised statutes of this state, and acts amendatory thereof and additional thereto, and all provisions of said chapter and acts are hereby made applicable to such corporations. But no corporation, organized hereunder, shall have authority, without special act of the legislature, to make, generate, sell, distribute or supply gas or electricity, or both, for any purpose, in or to any city or town, in or to which another company, person or firm are making, generating, selling, distributing or supplying, or are authorized to make, generate, sell, distribute or supply gas or electricity, or both, without the consent of such other company, person or firm.

Corporations for making, etc., gas or electricity, may be organized under ch. 48, R. S.

—shall not operate in any city or town where a company is already established, without act of legislature.

SECT. 2. The certificate provided by said section eighteen to be prepared and filed in the secretary of state's office, shall specify, in addition to the statements required by said

Certificate shall specify cities and towns where corporation

CHAP. 102
proposes to do
business.

section, the city or town, or the adjoining cities or towns within which said corporation proposes to make, generate, sell, distribute or supply gas or electricity, or both, for the purposes named in section one of this act and no corporation shall be authorized to make, generate, sell, distribute or supply gas or electricity, in any city or town not specified in said certificate.

Manufacturing corporations may take stock in such electric company.

SECT. 3. Any manufacturing corporation located and doing business in a town or city in which a company incorporated under this act proposes to manufacture and introduce gas or electricity for any of the purposes named in this act, may take and hold stock in such gas or electric company to an amount not exceeding ten per cent of the capital stock of such last named company.

May hold real estate.

SECT. 4. Corporations incorporated under this act shall be authorized to purchase, hold and convey such real estate and personal property as shall be necessary for the purposes for which it is created.

May construct lines along any highway.

SECT. 5. Every such corporation shall have authority to lay its pipes and wires and construct and maintain its lines in, upon, along, over, across and under the roads and streets in any city or town in which it is authorized to supply gas or electricity, or both, subject, however, to the conditions and restrictions hereinafter provided. But no corporation organized hereunder shall have authority, except by special act of the legislature, to take, appropriate or use, the location, pipes, lines or other property of any other corporation, person or firm, doing or authorized to do a similar business, without the consent of such other corporation, person or firm.

—shall not take lines already located, without authority of legislature, or consent of owners.

Before laying pipes, etc., shall first obtain permit of municipal officers.

SECT. 6. No such corporation shall lay its pipes or bury its wires in any road or street, or dig up or open the ground in any road or street, until it shall have obtained a permit in writing from the municipal officers of the city or town in which such road or street is located, which permit shall be signed by such municipal officers, and shall specify the roads and streets and the location therein in which such pipes or wires shall be laid; but such permit shall not affect the right of any party or parties to recover damages for any injury to persons or property by the doings of any such corporation. Upon application to them for such permit, the municipal officers to whom it is presented shall appoint a time and place of hearing thereon, and cause said corporation to give public

Permit shall not be granted until a hearing is had.

notice thereof by publication in some newspaper published or printed in said city or town, if any, at least fourteen days before said hearing; if no newspaper is published or printed in said town or city, then by posting such notice in two or more public and conspicuous places therein, at least fourteen days before said hearing. At such hearing any resident and property owner in said city or town, and all other parties interested, may appear, and shall be given an opportunity to be heard.

SECT. 7. Said corporation shall so dig up and open such roads and streets in such a manner as to discommode the public travel as little as possible, and shall put all such highways, roads and streets which it shall dig into and open, into as good repair as they were before they were dug into and opened; and on failure so to do within a reasonable time such corporation shall be decreed guilty of nuisance.

Shall not obstruct public travel.

SECT. 8. Every such corporation authorized to make, generate, distribute and supply electricity for the purposes named in this act shall be authorized to construct and maintain its poles, lines, fixtures and appliances upon, along, over and across the roads and streets of any city or town in which it is authorized to do business, upon the conditions and under the restrictions provided herein and by chapter three hundred and seventy-eight of the public laws of eighteen hundred and eighty-five, and all acts additional thereto and amendatory thereof, and all the provisions of said chapter and acts not inconsistent herewith are hereby made applicable to such corporations; provided, however, that the same shall not be so constructed as to incommode the use of such roads and streets for public travel; and provided, further, that no such corporation shall injure, cut down or destroy any fruit trees, or any tree or shrub standing and growing for the purposes of shade or ornament.

May maintain lines, under certain restrictions.

SECT. 9. Any such corporation, by vote at a meeting of its stockholders called for the purpose, may issue coupon or registered bonds to provide means for constructing its lines and plant, funding its floating debt, or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge, as security for the payment of the principal and interest of such bonds, a part or all of its property and fran-

Authorized to issue bonds, and mortgage property and franchise.

CHAP. 103

chise. Such bonds may be issued in sums not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and bearing interest not exceeding six per cent a year, payable annually or semi-annually, to an amount which, including that of bonds previously issued, shall not exceed in all the capital stock of the corporation actually paid in at the time.

Liability for damages.

SECT. 10. Every corporation incorporated under the provisions of this act shall be liable in all cases, to repay any city or town all sums of money that said city or town may be obliged to pay on any judgment recovered against it for damages occasioned by any obstruction, digging up or displacement of any way or street by said corporation, together with counsel fees and expenses necessarily incurred in defending said town in actions therefor; provided, however, that said corporation shall have notice of the commencement of any and all suits for such damage, and such corporation shall have the right to defend any such action at its own expense.

SECT. 11. This act shall take effect when approved.

Approved March 15, 1895.

Chapter 103.

An Act to provide for the incorporation and control of Telegraph Companies and Telephone Companies.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Telegraph and telephone companies, may be organized, under ch. 43, R. S.

SECT. 1. Telegraph companies and telephone companies and companies for the operation of both telegraphs and telephones, may be organized under the provisions of sections sixteen, seventeen, eighteen, nineteen and twenty of chapter forty-eight of the revised statutes of this state and acts amendatory thereof and additional thereto, and all the provisions of said sections and acts are hereby made applicable to such corporations.

Certificate shall set forth route.

SECT. 2. The certificate provided by said section eighteen to be prepared and filed in the secretary of state's office, shall set forth, in addition to the statements required by said section, the general route of telegraph or telephone lines pro-