

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

CHAP. 249**Chapter 249.**

An Act to authorize the Maine and New Brunswick Electrical Power Company, Limited, of New Brunswick, to exercise certain powers in this state.

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

Maine and New Brunswick Electrical Power Co., limited, given certain powers in state of Maine.

Section 1. The Maine and New Brunswick Electrical Power Company, Limited, a corporation created by and existing under the laws of the province of New Brunswick, is hereby authorized to exercise within this state the powers, privileges, rights and franchises conferred by this act, subject to the conditions herein contained.

May purchase property of Presque Isle Electric Light Company.

Section 2. The said corporation is hereby authorized to purchase or lease the capital stock, rights, privileges, immunities and franchises of the Presque Isle Electric Light Company, upon such terms as may be agreed upon, and upon such purchase or lease the said Maine and New Brunswick Electrical Power Company, Limited, shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchises, property and assets which at the time of said transfer shall then be had, held, possessed or enjoyed by the said Presque Isle Electric Light Company, and shall then be subject to all the duties, restrictions and liabilities to which the said Presque Isle Electric Light Company shall then be subject by reason of any charter, contract or general or special law, or otherwise, and shall thereupon be entitled to manufacture, generate, sell, distribute and supply electricity for light, heat and power in said town of Presque Isle.

--and enjoy its franchises.

Pending suits, by whom prosecuted or defended.

Section 3. All proceedings, suits at law or in equity, which may be pending at the time of such transfer, to which the said Presque Isle Electric Light Company may be a party, may be prosecuted or defended by the said Maine and New Brunswick Electrical Power Company, Limited, in like manner and with like effect as if such transfer had not been made. All claims, contracts, rights, causes of action of or against the said Presque Isle Electric Light Company, at law or in equity, may be enforced by suit or action to be begun or prosecuted by or against the said Maine and New Brunswick Electrical Power Company, Limited.

--claims, contracts and rights, how enforced.

Presque Isle Electric Light Co. authorized to sell or lease property.

Section 4. The Presque Isle Electric Light Company is hereby authorized to make the sale or lease authorized by section two of this act.

Liability for existing debts.

Section 5. When the transfer authorized by this act is carried out and fully completed the Maine and New Brunswick Electrical Power Company, Limited, shall be liable for the then law-

fully existing debts, obligations and contracts of the said Presque Isle Electric Light Company.

Section 6. The said Maine and New Brunswick Electrical Power Company, Limited, is authorized upon such terms as may be mutually agreed upon, to purchase or lease the property, capital stock, rights, privileges, immunities and franchises of the Fort Fairfield Electric Company, and upon any such purchase or lease the said Maine and New Brunswick Electrical Power Company, Limited, shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchises, property and assets which at the time of said transfer shall then be had, held, possessed or enjoyed by the said Fort Fairfield Electric Company, and shall be subject to all the duties, restrictions and liabilities to which the said Fort Fairfield Electric Company shall then be subject by reason of any charter, contract, or general or special law or otherwise. All proceedings, suits at law or in equity, which may be pending at the time of any such transfer, to which said Fort Fairfield Electric Company may be a party, may be prosecuted or defended by the said Maine and New Brunswick Electrical Power Company, Limited, in like manner and with like effect as if such transfer had not been made. All claims, contracts, rights and causes of action of or against said Fort Fairfield Electric Company, at law or in equity, may be enforced by suit or action to be begun or prosecuted by or against the said Maine and New Brunswick Electrical Power Company, Limited. The said Fort Fairfield Electric Company is hereby authorized to make said sale or lease. When any transfer authorized by this section is carried out and fully completed the said Maine and New Brunswick Electrical Power Company, Limited, shall be liable for the then lawfully existing debts, obligations and contracts of the said Fort Fairfield Electric Company.

Authorized to purchase property of Fort Fairfield Electric Co.

--and may enjoy franchises.

--and shall assume duties, restrictions and liabilities of.

--pending suits, how prosecuted or defended.

Claims, contracts, etc., how enforced.

--liability for debts,

Section 7. The said Maine and New Brunswick Electrical Power Company, Limited, is authorized to make, generate, sell, distribute or supply electricity, for lighting purposes, in the town of Fort Fairfield, upon first obtaining the written consent therefor of all corporations, persons and firms authorized to make, generate, sell, distribute or supply electricity in said town and not otherwise; but nothing in this section shall prohibit the transmission through said town of electric currents to be elsewhere used under the provisions of this act. The said Maine and New Brunswick Electrical Power Company, Limited, is authorized to sell electricity to any corporation, person or firm, in said town of Fort Fairfield, authorized to distribute electricity therein, or to any corporation, person or firm, in said town of

Authorized to supply electricity.

--in Fort Fairfield.

--may sell electricity.

--to be used for any other purpose than the production of light.

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Fort Fairfield, to be used for any other purpose than the production of light, and for that purpose it may maintain therein all necessary stations, fixtures and lines of posts and wires.

May sell electricity to Aroostook Valley R. R. Co.

Section 8. The said Maine and New Brunswick Electrical Power Company, Limited, is authorized to transmit and sell electricity to the Aroostook Valley Railroad Company for use in the operation of the railroad of said company, and to make such contracts therefor as may be mutually agreed upon.

May sell electricity in Limestone.

Section 9. Said Maine and New Brunswick Electrical Power Company, Limited, is authorized to make, generate, sell, distribute and supply electricity for light, heat and power in the town of Limestone, and for that purpose it may erect and maintain all necessary stations, fixtures and lines of posts and wires.

May sell electricity to certain corporations or persons in Houlton.

Section 10. The said Maine and New Brunswick Electrical Power Company, Limited, is authorized to sell electricity to any corporation, person or firm in the town of Houlton authorized to distribute electricity in said town. Nothing in this act shall authorize said Maine and New Brunswick Electrical Power Company, Limited, to otherwise engage in the business of selling or distributing electricity in said Houlton. For the purpose of this section, said corporation is authorized to erect and maintain a line, or lines, of posts and wires, with all necessary stations and fixtures, from its main line in Fort Fairfield, through Easton, Mars Hill, Blaine, Bridgewater, Monticello and Littleton, to and into the town of Houlton, and to sell and distribute electricity from said lines for light, heat and power in said Easton, Mars Hill, Blaine, Bridgewater, Monticello and Littleton. Nothing in this section shall require any corporation organized under the general laws of the state for the sale and distribution of electricity in said Easton, Mars Hill, Blaine, Bridgewater, Monticello or Littleton to obtain any special act of the legislature therefor.

—restrictions.

—may maintain lines through certain towns.

—may sell electricity for light, heat and power in certain towns.

Conditions under which this charter may remain in force.

This section shall be null and void unless the Maine and New Brunswick Electrical Power Company, Limited, shall comply with the following conditions:

—within 30 days shall make proposals for furnishing electricity.

The said Maine and New Brunswick Electrical Power Company, Limited, shall within thirty days after the approval of this act offer in writing to the Houlton Water Company to furnish to said company, at such point of delivery in said Houlton as said Houlton Water Company may designate, such amount of electricity for a twenty-four hours' service as said Houlton Water Company may from time to time require, not exceeding at any one time six hundred kilowatts, measured at said point of delivery, at a price not exceeding three cents per kilowatt hour for lighting purposes, and on a sliding scale of prices of

—quantity and price stipulated.

not exceeding three cents per kilowatt hour for power purposes, said prices to be particularly specified in said offer, and if said offer is accepted, execute a contract to that effect, said offer to be accepted or rejected by said Houlton Water Company within ninety days after its receipt, and the contract thereon to be for not less than twenty years, with the right of renewal for another period of twenty years on the same terms and conditions if said Houlton Water Company shall so elect. The said Maine and New Brunswick Electrical Power Company, Limited, and the said Houlton Water Company, are authorized to make and enter into said contract, and to do all things necessary to perform the same. In such contract said Houlton Water Company shall agree to take a minimum quantity, to average during the year not less than thirty kilowatts per hour. Said contract shall further provide that the said Maine and New Brunswick Electrical Power Company, Limited, shall begin to supply electricity thereunder on March first, in the year of our Lord nineteen hundred and six, but a different date may be agreed upon if said Houlton Water Company so consents. If such offer is not accepted, then the said Maine and New Brunswick Electrical Power Company, Limited, in selling electricity for use in said Houlton, as otherwise authorized in this section, shall not charge therefor more than three cents per kilowatt hour. If such contract is made the said Maine and New Brunswick Electrical Power Company, Limited, may sell power to such customers in Houlton as said Houlton Water Company shall consent to and on such terms and conditions as said Houlton Water Company may approve and consent to, but shall not have the right to sell to such customers without first obtaining the written consent of said Houlton Water Company. Nor shall said Maine and New Brunswick Electrical Power Company, Limited, in case said contract is made with said Houlton Water Company, have the right to sell to any other person, firm or corporation authorized to sell and distribute electricity in said town of Houlton without first obtaining the written consent of said Houlton Water Company. All corporate powers now or hereafter conferred upon the Houlton Water Company may be used to accomplish the purposes of this section.

--proposal to be accepted or rejected within 90 days.

--may make contract.

--provisions of contract.

The Houlton Water Company is hereby specially authorized and empowered to contract for, buy, make, generate, and use electricity upon its property in the town of Houlton, in the county of Aroostook, or other property hereafter acquired by said Houlton Water Company for the purpose, and to transmit, conduct and distribute such electricity to, into, and throughout the town and village of said Houlton, and to sell and supply the

Houlton Water Co. authorized to make contract.

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same for lighting such public streets and such buildings and places therein, public and private, as may be agreed upon by said company and the owners or those having control of such streets and places to be lighted, and may transmit, sell and supply the same for heating, motive power, manufacturing or mechanical purposes in said town.

Corporation
may
mortgage its
property.

Section 11. The said corporation may mortgage or pledge a part or all of its property and franchises in this state as security for bonds issued under its charter.

Rights, duties
and
liabilities.

Section 12. The said corporation shall have all the rights and be subject to the duties and liabilities of sections three, four, five, six, seven, eight, ten, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter fifty-five of the revised statutes, except as modified herein. It shall further be subject to all the duties incident to public service corporations at common law, and to all provisions of the general laws of this state hereafter passed, applicable to corporations in a similar business.

Locations
granted.

Section 13. All locations upon streets, roads or ways necessary for the purposes of this act are hereby granted, and the municipal officers of all towns named herein shall designate the streets, roads or ways so to be occupied, the places where the poles shall be set, and shall establish such reasonable restrictions as to the kind of poles, their construction and maintenance, the height of wires and the use of guard wires, as they deem proper.

--municipal
officers may
establish
restrictions.

Corporations
shall
designate the
location of its
principal
office in town
of Presque
Isle.

Section 14. Before it shall be entitled to any of the provisions of this act said corporation shall, under its corporate seal, file in the office of the secretary of state a certificate designating some place in the town of Presque Isle as its principal office, and a citizen of this state as an agent, upon whom process from the courts of this state may be served with like effect as if upon an officer thereof. Whenever a vacancy occurs in said designation a new agent shall be designated in the same manner, and if there be at any time no such agent then service of any process may be made on the secretary of state, with like effect as if on said corporation.

Section 15. This act shall take effect when approved.

Approved March 17, 1905.