

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

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associates and successors, shall have all the rights, powers and privileges that were granted them by said act, to be exercised in the same manner and for the same purposes as specified in said act.

Section 10,
Chapter 258,
special
laws, 1907,
amended.

Section 2. Amend said bill by inserting in section ten of the private and special laws of nineteen hundred and seven, after the word "gas" in the seventh line thereof, the words 'or water,' so that said section, as amended, shall read as follows:

Shall re-
move ob-
structions
in streets.

'Section 10. Said company, at its own expense, without unnecessary delay, shall remove any and all obstructions in any street or public way made in erecting or laying the lines or conduits for any purposes contemplated in this act and cause earth disturbed to be properly replaced. It shall not be allowed to obstruct or impair the use of any public or private drain or gas or water pipe, sewer, telegraph, telephone or railroad wire, but may cross, or when necessary, change the direction of any private wire or pipe, drain or sewer in such manner as not to obstruct or impair the use thereof, being responsible to the owner, or other person, for any injury occasioned thereby, in an action on the case.'

—shall not
impair use
of drains,
etc.

Approved March 13, 1909.

Chapter 145.

An Act to amend the charter of the Penobscot Bay Electric Company.

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

Section 2,
Chapter 156,
special
laws, 1907,
amended.

Section 1. Section two of chapter one hundred and fifty-six of the private and special laws of nineteen hundred and seven is hereby amended by striking out the word "and" in the fourth line of said section; also by inserting after the word "Verona" in said fourth line, the words 'Northport and the city of Belfast'; also by striking out of the fourth, fifth, sixth and seventh lines of said section, the words "in accordance with the general laws governing that business. Said corporation is also authorized to conduct the same business in other places for all purposes except lighting"; and also by adding at the end of said section the following:

'All locations upon streets, roads and ways in the above-named towns and city, and in any other city or town in which said corporation is or may be authorized to carry on its business, necessary, proper or convenient therefor,

are hereby granted. The municipal officers shall designate in writing the streets, roads and ways to be so occupied, the places where the poles shall be located and set, and may establish reasonable regulations as to the kind of poles, their construction and maintenance, the height of the wires and the use of guard wires. But nothing herein shall be so construed as to give the municipal officers of any city or town the power to refuse to designate some proper route over, upon and along the streets, roads and ways therein for the erection of poles and wires for the use of said corporation.

Said corporation is hereby authorized to transmit and convey electricity by trunk lines to, into and through the town of Searsport, with the same right to use, for that purpose, the streets, roads and ways of said town, and subject to the same regulations of its municipal officers, as are prescribed in the case of the city and towns hereinbefore specifically named. But the sale or delivery of electricity for any purpose, whether private or municipal, to any person, firm or corporation in said town of Searsport by said Penobscot Bay Electric Company, is hereby forbidden and prohibited. Provided, however, that such sale or delivery of electricity for any purpose, may be made in said town of Searsport by and with the written consent of the Searsport Electric Company, its successors or assigns.

Except as herein otherwise provided, sections three, four, five, six, seven, eight, ten, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of chapter fifty-five of the revised statutes, as amended, are hereby made applicable to said corporation.

The locations heretofore granted to said corporation by the municipal officers of the towns of Orland, Bucksport, Verona, Prospect and Stockton Springs, and all votes and acts of said several boards of municipal officers in connection therewith, are hereby ratified, confirmed and made valid.

From any decision of municipal officers in any matter affecting said corporation, it, or any other person interested, may appeal to the supreme judicial court in the county where the town is situated, in the same manner, and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

For the purpose of constructing and establishing its plant, and the maintenance thereof, including its power and transforming stations and pole lines, and for any or all of the purposes of its incorporation, said corporation is author-

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ized to take any land as for public uses. When said corporation finds it necessary for its uses and purposes to take land, it shall file in the office of the county commissioners of the county where the land so taken is situated, plans and description thereof. No entry shall be made on any lands owned by other persons, except to make surveys, until the expiration of ten days from said filing, and with such plans and descriptions said company may file a statement of the damages it is willing to pay to the owner for the land so taken. If the amount finally awarded does not exceed that sum, the company shall recover costs against such owner; otherwise such owner shall recover costs against said company.

Said company shall be held liable to pay all damages that shall be sustained by any person by reason of the taking of such land; and if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party, on petition to the county commissioners of the county where the land so taken is situated, within six months after said plans and descriptions are filed, may have the damages assessed by them; and subsequent proceedings and the right of appeal therein shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said period of six months shall be held to be a waiver of the same; so that said section, as amended, shall read as follows:

Purposes.

'Section 2. The purpose of said corporation shall be to make, generate, sell, distribute and supply electricity in the towns of Bucksport, Orland, Penobscot, Castine, Bluehill, Winterport, Frankfort, Prospect, Stockton Springs, Verona, Northport and the city of Belfast.

Locations granted.

All locations upon streets, roads and ways in the above-named towns and city, and in any other city or town in which said corporation is or may be authorized to carry on its business, necessary, proper or convenient therefor, are hereby granted. The municipal officers shall designate in writing the streets, roads and ways to be so occupied, the places where the poles shall be located and set, and may establish reasonable regulations as to the kind of poles, their construction and maintenance, the height of the wires and the use of guard wires. But nothing herein shall be so construed as to give the municipal officers of any city or town the power to refuse to designate some proper route over, upon

—municipal officers shall designate streets to be occupied.

and along the streets, roads and ways therein for the erection of poles and wires for the use of said corporation.

Said corporation is hereby authorized to transmit and convey electricity by trunk lines to, into and through the town of Searsport, with the same right to use, for that purpose, the streets, roads and ways of said town, and subject to the same regulations of its municipal officers, as are prescribed in the case of the city and towns hereinbefore specifically named. But the sale or delivery of electricity for any purpose, whether private or municipal, to any person, firm or corporation in said town of Searsport by said Penobscot Bay Electric Company is hereby forbidden and prohibited. Provided, however, that such sale or delivery of electricity for any purpose, may be made in said town of Searsport by and with the written consent of the Searsport Electric Company, its successors or assigns.

May transmit electricity by trunk lines into town of Searsport.

—subject to regulations of municipal officers.

Except as herein otherwise provided, sections three, four, five, six, seven, eight, ten, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of chapter fifty-five of the revised statutes as amended, are hereby made applicable to said corporation.

Sections 3, 4, 5, 6, 7, 8, 10, 18, 19, 20, 21, 22, 23, and 24, Chapter 55, R. S., as amended, applicable.

The locations heretofore granted to said corporation by the municipal officers of the towns of Orland, Bucksport, Verona, Prospect and Stockton Springs, and all votes and acts of said several boards of municipal officers in connection therewith, are hereby ratified, confirmed and made valid.

Locations granted, and acts of municipal officers, made valid.

From any decision of municipal officers in any matter affecting said corporation, it, or any other person interested, may appeal to the supreme judicial court in the county where the town is situated, in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

May appeal to S. J. court.

For the purpose of constructing and establishing its plant, and the maintenance thereof, including its power and transforming stations and pole lines, and for any or all of the purposes of its incorporation, said corporation is authorized to take any land as for public uses. When said corporation finds it necessary for its uses and purposes to take land, it shall file in the office of the county commissioners of the county where the land so taken is situated plans and descriptions thereof. No entry shall be made on any lands owned by other persons, except to make surveys, until the expiration of ten days from said filing, and with such plans and descriptions said company may file a statement of the damages it is willing to pay to the owner for the land so

May take land.

—shall file plans of land taken.

—may make surveys.

—may file statement of amount

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willing to
pay for
damages.

—when par-
ties may
recover
costs.

—liable for
damages.

—damages,
how as-
sessed, if
parties fail
to agree.

Section 4,
Chapter 166,
special
laws, 1907,
amended.

May issue
bonds.

—mortgage
made valid.

—votes and
acts made
valid.

Section 5,
Chapter 166,
special
laws, 1907,
amended.

taken. If the amount finally awarded does not exceed that sum, the company shall recover costs against such owner; otherwise such owner shall recover costs against said company. Said company shall be held liable to pay all damages that shall be sustained by any person by reason of the taking of such land; and if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party, on petition to the county commissioners of the county where the land so taken is situated, within six months after said plans and descriptions are filed, may have the damages assessed by them; and subsequent proceedings and the right of appeal therein shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said period of six months shall be held to be a waiver of the same.'

Section 2. Section four of said chapter one hundred and fifty-six is hereby amended by adding thereto the following: 'The mortgage made and executed by said company to the Guilford Trust Company, Trustee, on the tenth day of September, nineteen hundred eight, and all the votes and acts of said company and of said Guilford Trust Company in connection therewith, are hereby ratified, confirmed and made valid,' so that said section, as amended, shall read as follows:

'Section 4. Said company may issue bonds for such amounts as may be required and secure payment thereof by mortgages upon its franchises and property. Said bonds may be made payable serially or on such time as the corporation may determine not exceeding thirty years from dates of issue. The mortgage made and executed by said company to the Guilford Trust Company, Trustee, on the tenth day of September, nineteen hundred and eight, and all the votes and acts of said company and of said Guilford Trust Company in connection therewith, are hereby ratified, confirmed and made valid.'

Section 3. Section five of said chapter one hundred and fifty-six is hereby amended by striking out all of said section after the word "locations," in the third line thereof, and inserting in place thereof the following: 'of any corporation, association or individual engaged in the business of making, generating, selling, distributing and supplying gas or electricity for heat, light or power in any city or town in which said corporation is or may be authorized to carry on its said business. And such other corporation, asso-

ciation or individual is hereby authorized to sell and convey to said Penobscot Bay Electric Company, as aforesaid, and after the acquisition of any such franchise or property said Penobscot Bay Electric Company shall have, hold, enjoy and exercise the same for its own uses and purposes as though originally granted to it.

Said corporation is hereby authorized to contract with cities, towns and village corporations, except the town of Searsport, and with other corporations, firms and individuals, for the purpose of supplying electricity for public and private lighting, and for power; and said cities, towns and village corporations, except the town of Searsport, by their respective boards of municipal officers, are hereby authorized and empowered to enter into contracts with said corporation for said purposes, and for such exemptions from public charges and assessments as they may agree upon, which contracts when made shall be legal and binding upon the parties thereto; so that said section, as amended, shall read as follows:

Section 5. Said corporation is hereby authorized to acquire by purchase, capital stock, plants, property, franchises, rights, privileges and locations of any corporation, association or individual engaged in the business of making, generating, selling, distributing and supplying gas or electricity for heat, light or power in any city or town in which said corporation is or may be authorized to carry on its said business. And such other corporation, association or individual is hereby authorized to sell and convey to said Penobscot Bay Electric Company, as aforesaid, and after the acquisition of any such franchise or property said Penobscot Bay Electric Company shall have, hold, enjoy and exercise the same for its own uses and purposes as though originally granted to it.

May acquire property of other corporations.

Said corporation is hereby authorized to contract with cities, towns and village corporations, except the town of Searsport, and with other corporations, firms and individuals, for the purpose of supplying electricity for public and private lighting, and for power; and said cities, towns and village corporations, except the town of Searsport, by their respective boards of municipal officers, are hereby authorized and empowered to enter into contracts with said corporation for said purposes, and for such exemptions from public charges and assessments as they may agree upon, which contracts when made shall be legal and binding upon the parties thereto.'

May contract for supplying electricity.