

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

CHAP. 271

Whoever violates any of the provisions of this section shall be subject to the same penalty as is provided in the general law of the state for the illegal fishing for and catching of trout and land-locked salmon.

—penalty.

Section 2. In all prosecutions under this act, municipal and police courts and trial justices within their respective counties shall have, upon complaint, original and concurrent jurisdiction with the supreme judicial and superior courts, and all fines, forfeitures and penalties received for any violation of this act shall be paid forthwith by the person receiving the same to the state treasurer, and credited to fines and license fees for the protection of birds and game.

Jurisdiction of courts.

—fines, how disposed of.

Approved March 24, 1909.

Chapter 271.

An Act to extend and amend the Charter of the Municipal Light and Power Company.

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

Section 1. The rights, powers and privileges of the Municipal Light and Power Company, which were granted by chapter four hundred and fifteen of the private and special laws of nineteen hundred and seven, are hereby extended for two years from the passage of this act; and the persons named in said act, their associates, successors and assigns, 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.

Charter extended and amended.

Section 2. Section two of said chapter four hundred and fifteen is hereby amended, so that, as amended, it shall read as follows:

Section 2, Chapter 415, special laws, 1907, amended.

‘Section 2. The capital stock of this company shall not exceed two hundred and fifty thousand dollars, divided into shares of par value of one hundred dollars each, and said company may acquire and hold real and personal estate necessary and convenient for the purposes of its charter. Said company is hereby authorized to issue its bonds from time to time for such an amount as may be required, not exceeding its authorized capital stock, and secure payment thereof by a mortgage of its franchises and property. Said bonds may be issued for the purposes and in the manner provided by general law relative to gas and electric companies.’

Capital stock.

—may hold real and personal estate.

—may issue bonds and mortgage property.

Section 3. Section five of said act is hereby amended by adding to said section the following: ‘Said Municipal Light

Section 5, amended.

CHAP. 271

and Power Company may buy and receive gas from any other corporation in the state authorized to manufacture, sell or supply gas, and may sell and supply gas to any such corporation, and may lay and maintain its pipes along and across public ways, bridges, and across tide waters, necessary for said purposes; subject, however, to such reasonable restrictions as may be imposed by the municipal officers under the general law regulating the laying of pipes for the transmission of gas. But this act shall not give the right to said Municipal Light and Power Company to generate, sell or supply gas within the limits of any city or town, not specifically named in its charter in or to which any other person, corporation or firm is making, generating, selling or supplying gas or electricity or is authorized so to do, until said Municipal Light and Power Company shall first obtain the written consent of such other person, corporation or firm.' So that said section, as amended, shall read as follows:

May contract to supply light, heat and power.

—may buy gas.

—may sell and supply gas.

—lay pipes along ways and bridges, and across tide waters.

—under restrictions of municipal officers.

'Section 5. Said company is hereby authorized to make contracts with the United States, with corporations and with the inhabitants of said city of South Portland and said town of Cape Elizabeth, for the purposes set forth in said charter, and said city of South Portland and said town of Cape Elizabeth are authorized and entitled to contract with said company from time to time for light, heat or power as they may deem expedient. Said Municipal Light and Power Company may buy and receive gas from any other corporation in the state authorized to manufacture, sell or supply gas, and may sell and supply gas to any such corporation, and may lay and maintain its pipes along and across public ways, bridges, and across tide waters, necessary for said purposes; subject, however, to such reasonable restrictions as may be imposed by the municipal officers under the general law regulating the laying of pipes for the transmission of gas. But this act shall not give the right to said Municipal Light and Power Company to generate, sell or supply gas within the limits of any city or town not specifically named in its charter or to which any other person, corporation or firm is making, generating, selling or supplying gas or electricity or is authorized so to do, until said Municipal Light and Power Company shall first obtain the written consent of such other persons, corporation or firm.'

Section 6, amended.

Section 4. Section six of said act is hereby amended by adding to said act the following: 'The city of South Portland shall not, however, have the right to acquire and take over any of the property or franchises of said Municipal Light

and Power Company under this act unless said corporation shall fail and neglect to lay its pipes in said city, and distribute gas therefrom within five years from April first, nineteen hundred and nine.' So that said section as amended shall read as follows:

'Section 6. This charter is granted upon the condition that said city of South Portland shall have the right upon vote of its legal voters to take possession of and own for municipal purposes the entire plant, property, franchises, rights and privileges of said Municipal Light and Power Company, upon payment therefor of the amount which the same shall be fairly and equitably worth.

City of South Portland may take over plant.

'To carry out the purpose of possession and ownership aforesaid thirty days' notice, in writing, of the vote passed by said city shall be given by its municipal officers, and thereupon said municipal officers shall proceed by bill in equity, in the name and behalf of the municipality, to procure a judicial appraisal and transfer of said property; and jurisdiction is hereby given to the supreme judicial court over the entire matter, including the application of the purchase money, discharge of incumbrances and transfer of the property, and for the purpose of fixing the valuation thereon and making a just compensation therefor said court shall appoint a board or boards of competent and disinterested appraisers, and upon payment or tender by said municipality of the amount fixed and the performance of all other terms and conditions imposed by the court said plant, property, franchise, rights and privileges shall be vested in said municipality, free from all liens, mortgages and incumbrances heretofore created by said company.

—proceedings in case of transfer of property.

'If said city of South Portland shall take over the property of said company as hereinbefore provided, said city is authorized to furnish light, heat and power in connection with, and as a part of, its main plant in said town of Cape Elizabeth and the inhabitants thereof and said town and the inhabitants thereof are entitled to contract for the same; and for said purpose said city of South Portland is authorized to maintain and extend its lines within said town subject to the liabilities imposed by section four of this act. The city of South Portland shall not, however, have the right to acquire and take over any of the property or franchises of said Municipal Light and Power Company under this act unless said corporation shall fail or neglect to lay its pipes in said city, and distribute gas therefrom, within five years from April first, nineteen hundred and nine.'

—authorized to furnish light, heat and power.

Approved March 24, 1909.