

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 257

Section 7. Said corporation is hereby authorized to make contracts, with the inhabitants of said towns, and individuals therein, and with other corporations, for the purposes of supplying water as contemplated by this act; and said towns by their selectmen are hereby authorized to contract with said company for a supply of water for municipal or other purposes as said towns and said company may agree, which shall be legal and binding upon all parties thereto.

May contract for supplying water.

Section 8. Said corporation shall have the power to cross any public or private sewer, or to change the direction thereof when necessary for the purposes of this incorporation, but in such manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby.

May cross sewers, but shall not obstruct same.

Section 9. Any person who shall leave the carcass of any dead animal or other offensive matter within the limits of the watershed of said Chase's pond, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not more than one year and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

Penalty for polluting watershed of Chase's pond.

Section 10. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

Section 11. Said corporation may issue its bonds for the construction and maintenance of its works upon such rates and for such time as it may deem expedient, not exceeding its capital stock, and secure the same by mortgage of the franchise and property of said company.

May issue bonds and secure same by mortgage of property.

Section 12. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators herein named, served on each corporator by giving him the same in hand, or by sending the same by mail to his last known place of residence at least thirty days before the time of meeting.'

First meeting, how called.

Approved March 29, 1911.

Chapter 257.

An Act granting additional powers and privileges to the Peaks' Island Corporation.

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

Section 1. The Peaks Island Corporation, organized under the general laws of the state of Maine on the twenty-eighth day of March, in the year of our Lord nineteen hundred and ten, in addition to the rights and powers vested in it under the

Additional powers granted to Peak's Island Corporation.

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general laws of the state of Maine, is hereby authorized and empowered to have and exercise the following additional powers, privileges and franchises, to wit: To supply the residents of Peaks Island in Casco bay in said state of Maine with pure water for domestic, sanitary, manufacturing and municipal purposes, including the extinguishment of fires; also to generate, manufacture, sell, distribute and supply gas and electricity within the limits of said Peaks Island for lighting, heating, manufacturing and mechanical purposes, and for the purpose of lighting the streets and public squares on said island, with all the rights, powers and privileges hereinafter granted, and subject to all the restrictions, regulations and liabilities imposed now or hereafter by law on all similar corporations; and to enable it to carry out such purposes and to exercise the powers and franchises hereby granted, the said Peaks Island Corporation is hereby authorized to lease or purchase all the property, and all the rights, privileges and franchises of the Peaks Island Water and Light Company granted to it under chapter three hundred and seventy-seven of the private and special laws of the state of Maine approved March twenty-eight, nineteen hundred and three, under chapter two hundred and forty-nine of the private and special laws of the state of Maine approved March fourteen, nineteen hundred and seven, and under chapter three hundred and sixteen of the private and special laws of the state of Maine approved March twenty-six, nineteen hundred and nine; also all the property and all the rights, privileges and franchises of the Peaks Island Gas Company, including the rights, privileges and franchises granted to said Peaks Island Gas Company under chapter ninety-four of the private and special laws of the state of Maine approved February twenty-eight, nineteen hundred and five, under chapter seventy-four of the private and special laws of the state of Maine approved March three, nineteen hundred and nine, and under chapter two hundred thirty-five of the private and special laws of the state of Maine approved March eighteen, nineteen hundred and nine, and the property, rights, privileges and franchises of any person or corporation supplying the residents of said Peaks Island with electricity for any of the purposes above enumerated. The said Peaks Island Water and Light Company and the said Peaks Island Gas Company are hereby authorized to lease or sell and convey to the said Peaks Island Corporation all their property, rights, privileges and franchises, including lands, buildings, wells, pumps, pipes, stand-pipes, reservoirs, easements, rights of way, machinery, tools, gas gen-

—may supply water.

—generate and supply gas and electricity.

—may lease or purchase Peaks Island Water and Light Co.

—and Peaks Island Gas Co., and all rights and privileges of same.

—corporations authorized to convey property, rights and privileges to Peaks Island Corporation.

erators, machinery and apparatus for making gas, gas holders, purifiers, meters, engines, boilers and all other real and personal property of every name and nature belonging to said Peaks Island Water and Light Company and said Peaks Island Gas Company. CHAP. 257

Section 2. Upon the leasing or purchasing of the property, rights and franchises of said Peaks Island Water and Light Company and said Peaks Island Gas Company, which include the franchise to supply water to the residents of Peaks Island for domestic, sanitary and municipal purposes, and to supply electricity and gas to the residents of Peaks Island for lighting, heating, manufacturing or mechanical purposes, and for lighting the streets, public buildings and public squares on said island, the said Peaks Island Corporation shall thereafter have and enjoy all said rights, powers, privileges and franchises, including the right of eminent domain, now possessed and enjoyed by either the said Peaks Island Water and Light Company or said Peaks Island Gas Company under the several acts hereinbefore referred to for the purposes above enumerated, subject to the same restrictions and limitations as the same now are, exclusively, excepting as to any individuals who, during the summer season of the year nineteen hundred and ten, were supplying any of the residents of said Peaks Island with water from wells or springs for domestic or sanitary purposes, for a term of fifteen years from the first day of January, nineteen hundred and twelve. Said franchise to supply the residents of Peaks Island with electricity for any of said purposes shall not be exclusive, however, unless the said Peaks Island Corporation shall first acquire by purchase, lease or otherwise, upon such terms as the parties may agree, the property and plant for the generation of electricity located on Peaks Island, of any person, firm or corporation authorized to supply and now actually supplying, at least during the summer months, the residents of Peaks Island with electricity for any of said purposes. This grant, however, is upon the condition that the said Peaks Island Corporation shall at all times after January first, nineteen hundred and twelve, and within a reasonable time after request by the city council of the city of Portland, supply at any point on said Peaks Island where its water or gas mains may now or hereafter be extended, to such an extent and in such manner as may be reasonably required, to any person, firm or corporation or to the city of Portland, water for domestic, sanitary or municipal purposes, or gas for lighting, heating, manufacturing or mechanical purposes, or for lighting any public streets, squares or public buildings, at a fair and reasonable rate of

Shall have and enjoy all rights and privileges for the term of 15 years from Jan. 1, 1912.

—exception.

—right to supply electricity not exclusive.

—condition under which privileges are granted.

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payment therefor; and in case said parties cannot agree upon the rate of payment therefor, the said company shall be obliged to furnish said water or gas at the rate to be fixed by three disinterested persons to be appointed by any justice of the supreme judicial court upon petition by either of the parties interested, and if said corporation shall at any time refuse or reasonably neglect to comply with this condition, the exclusive privilege herein granted shall be of no effect. The legislature further expressly reserves the right to modify from time to time the rights and privileges herein granted as the interests of the public may require.

—further conditions.

This grant is made upon the further condition that the city of Portland, or any village or municipal corporation that shall include said Peaks Island, shall have the right at the end of said fifteen years, upon vote of its city council or governing body, to that effect, to take over, purchase and own for municipal purposes, the entire property, plant, franchises, rights and privileges of said Peaks Island Corporation, upon paying therefor whatever said property, plant, franchises, rights and privileges are fairly and equitably worth.

—proceedings for the taking over of the property of the corporation by the city of Portland.

In order to carry out the purposes of possession and ownership aforesaid, the city council shall, at least three months before the expiration of said term, give notice to the company of its intention to exercise the right herein granted, and shall procure judicial appraisal of said property by bill in equity filed in the supreme judicial court for the county of Cumberland for that purpose at or before the expiration of the term of said franchise, and jurisdiction is hereby given to said court over the entire matter, including application of the purchase money, discharge of encumbrance and transfer of the property, for the purpose of fixing the valuation thereof and making just compensation therefor; it shall appoint three competent and disinterested appraisers, and upon payment or tender by said city of the amount fixed and the performance of all other terms and conditions imposed by the court, said entire plant, property, franchise, rights and privileges shall become vested in said city and be free from all liens, mortgages and incumbrances theretofore created by said Peaks Island Gas Company.

—appraisers shall make report to court.

The appraisers shall, after due notice and hearing, make their report to the court, and the court may accept such report or reject it or recommit the same or submit the subject matter thereof to a new board of appraisers and make any order relating to the same which justice and equity may require.

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Section 3. The said Peaks Island Corporation is also hereby further empowered to supply pure water at such rates as may be agreed upon between the parties, to any persons or corporations furnishing water to the residents of either Cushing's Island, House Island, Little Diamond island or Great Diamond island in Casco bay, for domestic, sanitary and municipal purposes, or for the extinguishment of fires, and may also furnish and supply to any persons or corporations supplying the residents of either said Cushing's island, House island, Little Diamond island or Great Diamond island with gas or electricity for lighting, heating, power, manufacturing, mechanical or municipal purposes, at such rates as may be agreed upon between the parties, gas or electricity from its plant on Peaks Island, or such plant as may be hereafter established thereon, for lighting, heating, power, manufacturing, mechanical and municipal purposes, or for lighting the public streets, public squares and public buildings on either of said islands, and to enable it to supply either water, gas or electricity to any persons or corporations supplying water, gas or electricity to the residents of either of the islands named in this act, or for either of the purposes above named, the right is hereby granted to said Peaks Island Corporation to purchase the same of any other person, firm or corporation, or of the Portland Water District; and subject to the consent and approval of the federal authorities having charge of the same, to lay its mains, pipes and cables beneath the tide waters of Casco bay from the mainland to either of said islands and between Peaks Island and either of the islands above named.

Further empowered to supply water, gas and electricity.

Section 4. In order to carry out any of the aforesaid purposes and to acquire by lease or purchase the property, rights and franchises hereinbefore mentioned, the said Peaks Island Corporation may increase its capital stock to an amount not to exceed three hundred thousand dollars and may issue its bonds in such amounts and on such time and at such rates of interest as it may determine, not to exceed, however, the amount of its capital stock, and secure the same by mortgage or pledge of part or all of its property and franchises.

may increase capital stock not to exceed \$300,000 in amount.

—may issue bonds and mortgage property.

Approved March 29, 1911.