

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 259

Section 10. The manner, place and time of calling annual and special meetings of the company, and meetings of the directors, may be regulated by vote of the company at any meeting thereof.

Provision for annual and special meetings.

Section 11. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vested in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

Property, franchises, etc., subject to be taken over by the state.

—state shall pay fair value.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

—how value shall be determined.

Approved March 30, 1911.

Chapter 259.

An Act to incorporate the Island Light and Water Company.

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

Section 1. Silas B. Adams, George W. Brown, Charles F. Flagg, Leroy F. Tobie and Walter S. Trefethen, their associates, successors and assigns, are hereby constituted a body corporate and politic, to be known as the Island Light and Water Company, for the purpose of making, generating, selling, distributing and supplying electricity and gas for lighting, heating, manu-

Corporators.

—corporate name.
—purposes.

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facturing, mechanical or municipal purposes on Cushing's island, Little Diamond island and Great Diamond island, so-called, in Casco bay; and also for the purpose of supplying the residents of said islands with pure water for domestic and municipal purposes and for the extinguishment of fires, with all the powers, rights and privileges, and subject to all the duties and liabilities of similar corporations organized under the general laws of the state of Maine.

May light streets with gas or electricity.

—supply gas or electricity for heating.

—build plants and works.

—hold real and personal property.

—lay pipes, etc.

—extend wires and poles along streets, etc.

May lay pipes across private lands and file description of location in registry of deeds of Cumberland county.

—damages, how assessed.

—liable to the city of Portland.

—proviso.

Section 2. Said corporation is hereby authorized and empowered to carry on the business of lighting by electricity or gas any public streets, ways and squares upon either of the islands above named, and to supply electricity or gas for lighting or heating such buildings and places thereon, public or private, as may be agreed upon by the corporation and the owners or those having control of the same; and may build and operate upon either of said islands such plants and works as may be necessary for the carrying out of the purposes for which said corporation is organized, and to that end may lease, purchase and hold real and personal property necessary and convenient for carrying out said purposes, and may construct, lay, maintain and operate lines of pipe and conduits under ground and over, under and along any of the streets or public ways upon either of said islands and string its wires upon poles over and along any of the said streets or public ways on either of said islands, and all under such reasonable restriction as may be imposed by the municipal officers of the city of Portland.

Section 3. Said corporation shall, for the purpose of laying its pipes, either for the distribution of electricity, gas or water, have authority to take such rights in real estate across private land as may be necessary, a location of the property taken, giving a description thereof with the names of the owners so far as known, shall be filed in the registry of deeds of Cumberland county, and the damages shall be assessed for the property so taken in the manner provided by statute for the assessment of damages for property taken by railroads. Said corporation shall be liable in all cases to repay the city of Portland all sums of money that said city may be obliged to pay on any judgment recovered against said city for damages occasioned by any obstruction, digging up or displacement of any public way or street by said corporation, together with counsel fees and expenses necessarily occasioned in defending said city in actions therefor; provided, however, that said corporation shall have notice of the commencement of any and all suits for such damages; and said corporation shall have the right to defend any such action at its own expense.

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Section 4. Said corporation shall not be allowed to obstruct or impair the use of any public or private drain or sewer, but may cross over or under the same, being responsible to the owners or any other persons for any injury occasioned thereby. Said corporation is hereby authorized to make contracts with the city of Portland or with the United States for the supplying of electricity, gas or water for any municipal purposes or for the lighting of or supplying of water for any public buildings on either of said islands.

May cross, but shall not impair use of drain or sewer.

—may contract for supplying electricity, gas or water.

Section 5. Said corporation may, for the purposes herein expressed, purchase electricity, gas or water from any other corporation or individual engaged in the supplying of the same to the public, or from the Portland Water District, and may lay its cables, pipes and mains beneath any of the waters in Portland harbor to either of the islands above named from the mainland or from Peaks Island, having obtained the necessary consent of the federal authorities therefor and provided navigation is in no wise obstructed thereby.

May purchase electricity, gas or water from other corporations, etc.

Section 6. Said corporation, however, shall not begin furnishing electricity, gas or water to any of the residents of Little Diamond island without first obtaining the consent of the Maine Coast Realty Company.

Must obtain consent of Maine Coast Realty Company.

Section 7. Said corporation shall have the right to take over and acquire, either by purchase, lease or otherwise, the property, rights, privileges and franchises of any person, firm or corporation now engaged in the supplying of water or gas to the residents of either of said islands upon such terms as the said corporation or the owners thereof may agree upon.

May acquire property of corporations engaged in similar business.

Section 8. This act does and shall not confer upon the said corporation any authority to exercise any of the powers or rights herein specified on any portion of said Great Diamond island not now or hereafter owned by the United States of America, without the written consent of the Diamond Island Association, except the right to lay and maintain in and under such streets and avenues of said island as may be agreed upon by the said corporation and said Diamond Island Association such conduits, aqueducts and pipes as may be necessary to convey electricity or gas for lighting or heating purposes or water to that portion of said island now or hereafter owned by said United States of America.

Consent of Diamond Island Association to be obtained.

Section 9. The capital stock of said corporation shall be fifty thousand dollars (\$50,000), but may be increased from time to time in the manner provided for the increase of capital stock of corporations under the general laws of said state to an amount not to exceed one hundred and fifty thousand dollars

Capital stock.

—may be increased.

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May issue
bonds se-
cured by
mortgage of
its property.

First meeting,
how called.

(\$150,000), and shall be divided into shares of one hundred dollars (\$100) each; said corporation may issue its bonds to secure money for the carrying out of any of the purposes of said corporation to an amount not in excess of its then capital stock to be secured by mortgage of its real estate, property, rights, privileges and franchises. It is also hereby authorized to lease any part or all of its property, privileges and franchises upon such terms as it may determine.

Section 10. The first meeting of said corporation may be called by written notice thereof signed by one of the incorporators herein named and served upon each incorporator by giving him the same in hand or leaving the same at his last and usual place of abode at least five days before said meeting.

Approved March 30, 1911.

Chapter 260.

An Act establishing a close time on Lobsters in the waters of Winter Harbor, in Hancock County.

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

Close time
on lobsters
in waters of
Winter Har-
bor.

Section 1. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year in any of the waters of Winter Harbor in Hancock county inside of a direct line from Schoodic island whistling buoy, thence northwest by west to Egg Rock whistling buoy, and thence northeast by north to Jordan's island bar; and no person shall set a trap within said waters for the purpose of taking, catching, killing or destroying any lobsters between said dates; under a penalty of one dollar (\$1.00) for each lobster so taken, caught, killed or destroyed, and under a penalty of five dollars (\$5.00) for each lobster trap so set for said purpose.

Penalty.

Section 2. All fines and penalties provided for by this act may be recovered as provided by section forty-eight of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven.

Approved March 30, 1911.