

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

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Chapter 211.

An Act to Authorize the Town of South Berwick to Own and Maintain an Electric Lighting and Power Plant.

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

Town authorized to maintain an electric plant.

Section 1. The town of South Berwick is hereby authorized to acquire, construct, own and maintain an electric lighting and power plant, and for such purpose said town is vested with power to raise money and to provide for the raising of money, at its annual meeting or at any legal meeting called for that purpose, for the purchase or lease of lands, water power, dams, manufactories and works for providing and supplying electricity and for the purchase of dynamos, plant, equipment and other apparatus necessary for equipping and properly maintaining an electric lighting and power plant.

May maintain lines of wire.

Section 2. Said town is also authorized to construct, lay, maintain and support lines of wire or other material for the transfer of electricity upon, under, along and over any and all streets and roads within the limits of said town, and for such purpose to erect, establish and maintain in and along said streets and roads all necessary poles, pipes and apparatus, provided that said poles, pipes and apparatus are so constructed, established and maintained as not unreasonably to interfere with the public use of said streets and roads.

May use the electricity to light streets, etc.

Section 3. Said town is also authorized to use the electricity by it manufactured and generated to light its streets, roads and public squares and all buildings and parts of buildings owned, used or occupied by it; and said town is further authorized to sell, distribute and furnish electricity for lighting, heating and power to individuals and corporations within said town.

May acquire other franchises.

Section 4. Said town is further authorized to purchase or lease the properties, in whole or in part, of any corporation organized for furnishing electricity for lighting or power within the territory of said town; and such corporation is hereby empowered to sell, transfer, convey or lease its properties, in whole or in part, to said town.

—may dispose of franchises.

Board of commissioners.

Section 5. The full management, control and operation of such electric lighting plant and property as said town may at any time acquire shall be by a board of commissioners composed of three members, to be chosen by ballot by the legal voters of said town, the first election to be at the meeting of the legal voters

—how chosen.

—Tenure.

of said town when said town by the vote of its legal voters decides to act and do business under this act. One commissioner to serve for the period of one year; one commissioner to serve

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for the period of two years, and the other commissioner to serve for the period of three years from the date of said meeting; the terms of office of said commissioners being such that after the first election one commissioner shall be elected each year to serve for three years. The selectmen of said town may fill such vacancies as may occur from time to time for the unexpired term. After the first election, the annual election of officers shall be at the annual town meeting of said town. The office of the commissioners shall be at the office of the selectmen of said town. Each member shall receive in full compensation for his services an allowance of fifty dollars per year, or such other less sum as the said town at a legal meeting shall prescribe.

—vacancies, how filled.

compensation of commissioners.

The town at any legal meeting thereof called for the purpose, may adopt such by-laws and provisions, not inconsistent with the laws and constitution of this state and the United States, as they may deem expedient and necessary for the better government and regulation of the municipal affairs within said town, in which case such by-laws and provisions so adopted shall extend to the management of the business of said town relating to the maintaining and operation of an electric plant and the use and disposition of electricity as fully to all intents and purposes as the other provisions of this act, subject only to alterations or additions by a two-thirds vote at a legal meeting of the town called for the purpose.

Town may adopt by-laws.

Section 6. The said commissioners shall annually elect a treasurer who shall not be a member of the board of commissioners and who shall hold office during the year subject to the right of removal by said commissioners at their pleasure.

Treasurer.

The title of said treasurer shall be "Treasurer of South Berwick Electric Commissioners."

—title of treasurer.

The duties of said treasurer shall be fixed by the by-laws hereinbefore provided for under section five.

—duties.

Section 7. All individuals, firms and corporations, whether private, public, national or municipal, shall pay to the treasurer of the South Berwick electric commissioners the rate established by said commissioners for electricity used by them and said rate shall be uniform within the limits of said town. Said rate shall be so established as to provide revenue for the following purposes:

Rates shall be uniform.

1. To pay the current running expenses of maintaining the electric system and plant and to provide for such extension and renewals as may become necessary.

—running expenses.

2. To pay full interest on the indebtedness of the town for the establishing and maintaining of the electric plant system and equipment.

—interest.

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—sinking
fund.

3. To provide each year a sum equal to not less than one or more than five per cent of the entire indebtedness of the town for such electric plant and system, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the town for its undertakings under this act, or invested in such securities as savings banks are allowed to hold.

Town may
acquire cer-
tain other
properties.

Section 8. Said town is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said town for said purpose, the entire plant, property and franchises, rights and privileges now held by the Berwick & Salmon Falls Electric Company and of The Twin State Gas and Electric Company within said town, including all poles, lines, machinery and rights of way in said town.

Terms of
purchase,
how deter-
mined.

Section 9. In case said town fails to agree with said Berwick & Salmon Falls Electric Company and with The Twin State Gas and Electric Company upon the terms of purchase of the above mentioned property within the ninety days after said town shall have appointed a committee for the purchase of said property, said town through its municipal officers is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said town through its municipal officers is hereby authorized at any time after the expiration of said ninety days to file a petition in the clerk's office of the supreme judicial court for the county of York, in term time or in vacation, addressed to any justice of said court who after notice to said Berwick & Salmon Falls Electric Company and to The Twin State Gas and Electric Company and their mortgagees or successors, shall after hearing and within thirty days after the filing of said petition appoint three disinterested appraisers, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises. The said appraisers shall have the power of compelling attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths; and any witness, or person in charge of such books or papers, refusing to attend, or to produce the same, shall be subject to the same penalties and proceedings as far as applicable as witnesses summoned to attend the supreme judicial court. The appraisers so appointed shall after due notice and hearing fix the valuation of said plant, property and franchises at what they fairly and equitably are worth, so that the said Berwick & Salmon Falls Electric Company and The Twin State

—apprais-
ers.

—powers
of apprais-
ers.

—apprais-
ers shall
fix valua-
tions.

Gas and Electric Company shall receive just compensation for all the same. The report of said appraisers or a majority of them, shall be filed in said clerk's office, in term time or vacation, within five months after their appointment and such single justice or in case of his inability to act then, any justice designated for the purpose by the chief justice, may after notice and hearing confirm or reject the same, or recommit it if justice requires. The award of the appraisers shall be conclusive as to valuations. Upon the confirmation of said report the court so sitting shall thereupon, after hearing, make final decree upon the entire matter, including the application of the purchase money, discharge of incumbrances and transfer of the property, jurisdiction over which is hereby conferred, with the same power to enforce said decree as in equity cases. Upon request of either party the justice so making such final decree shall make separate findings of law and fact. All such findings of fact shall be final, but either party aggrieved may take exceptions to any rulings of law so made, the same to be accompanied only by such parts of the case as are necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the law court to be held after the filing of said decree, and there heard, unless otherwise agreed, or the law court shall for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below, or remand the cause for further proceedings as it seems proper. During the pendency of such exceptions the cause shall remain on the docket of the court below marked "law" and decree shall be entered thereon by a single justice, in term time or in vacation, in accordance with the certificate and opinion of the law court. On payment or tender by said town of the amount so fixed and the performance of all other terms and conditions so imposed by the court, said entire plant, property and franchises shall become vested in said town and be free from all liens, mortgages, and incumbrances theretofore created by the Berwick & Salmon Falls Electric Company or The Twin State Gas & Electric Company.

Section 10. Sections two, three and four of this act shall be inoperative, null and void, unless the said town shall first ac-

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Report of
appraisers.—final de-
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quire by purchase, or by the exercise of the right of eminent domain as this act provides, the plant, property and franchises, rights, and privileges now held by the Berwick & Salmon Falls Electric Company and The Twin State Gas and Electric Company within said town.

Costs, how borne.

Section 11. All costs and expenses arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section nine.

Incidental powers granted.

Section 12. All the incidental powers, right and privileges necessary to the accomplishment of the main objects herein set forth are granted to the said town.

Approved April 1, 1913.

Chapter 212.

An Act to Amend Section Eight of Chapter Two Hundred and Eighty-nine of the Private and Special Laws of Nineteen Hundred and Seven, Entitled "An Act to Incorporate the Livermore Falls Sewer District."

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

Section eight of chapter 289 of the P. & S. laws of 1907, amended.

Section eight of chapter two hundred and eighty-nine of the private and special laws of nineteen hundred and seven is hereby amended by striking out the words "one hundred" in the last line of said section and inserting in place thereof the word 'fifty' and adding thereto the following: 'At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said sewer district, of its financial and physical condition and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust, such report to be made and filed with the municipal officers of the town of East Livermore, by the first of February in each year,' so that said section when amended shall read as follows :

Board of trustees.

'Section 8. All the affairs of said sewer district shall be managed by a board of trustees composed of three members, all to be residents of said district, to be chosen by the selectmen of the town of East Livermore, but no member of the board of selectmen shall during the term for which he is elected be chosen one of said board of trustees. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the office of the selectmen in the town of East Livermore, and organize by the election of a president and clerk, adopt a corporate seal and when necessary