

# 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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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-Sixth  
Legislature

*1913*

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CHAP. 225 its franchises and properties. Said corporation is hereby authorized to guarantee the payment of principal and interest, or either, of the bonds or other obligations of other corporations which it may acquire under this act, and vote any stock which it may so acquire. All the powers granted in this section shall be exercised subject to the approval of the railroad commissioners or their successors in office.

Duties and restrictions of York County Power Company.

Section 13. Said York County Power Company shall be subject to all duties and restrictions imposed on corporations by chapter two hundred and forty-four of the public laws of nineteen hundred nine, restricting the transmission of electric current beyond the confines of the state.

Approved April 4, 1913.

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## Chapter 225.

An Act Relating to the Portland Gas Light Company.

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

Franchises extended for seven years.

Section 1. The franchises, rights and privileges of the Portland Gas Light Company heretofore granted to said company by its charter and acts amendatory thereof and additional thereto, are hereby extended for a term of seven years beyond the period of limitation now fixed by law, subject, however, to the right of the city of Portland to take over and own the same as provided in the following section, and provided further, that if said city shall exercise its right to take over and own the same as provided in the following section, the seven year extension of the franchises of said company herein granted shall not be reckoned as an item of value in the appraisal of said company's property to be made as hereinafter provided and nothing shall be allowed or paid for said seven year extension herein granted.

—city of Portland may take over franchises.

—proviso.

City of Portland given right to take over plant, etc.

Section 2. The city of Portland shall have the right on January first, nineteen hundred twenty-three, or at the expiration of each five-year period thereafter, upon vote of its city council to that effect, to take possession of, own and operate the entire plant, property, franchises, rights and privileges held and owned by said Portland Gas Light Company; upon payment therefor of the amount which said plant, property, franchises, rights and privileges shall fairly and equitably be worth.

Proceedings for possession and ownership by city of Portland.

In order to carry out the purposes of possession and ownership aforesaid, said council shall at least one year before said January first, nineteen hundred and twenty-three, or at least one year before the expiration of any such five-year period,

give written notice to the said company of its intention to exercise the right herein granted and shall procure judicial appraisal of said plant, property, franchises, rights and privileges by bill in equity filed in the supreme judicial court for the county of Cumberland for that purpose during the year preceding said first day of January, nineteen hundred and twenty-three, or during the year preceding the expiration of any such five-year period, and jurisdiction is hereby given to said court over the entire matter including application of the purchase money and discharge of encumbrances and transfer of the property, and 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, franchises, rights and privileges shall become vested in said city and be free from all liens, mortgages and encumbrances theretofore created by said Portland Gas Light Company.

CHAP. 225

—Judicial appraisal of plant shall be made.

—three appraisers shall be appointed.

The appraisers so appointed 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.

Appraisers shall make report to the court.

In case said city, after giving to said company the written notice aforesaid shall fail to prosecute such appraisal and purchase to completion as hereinbefore provided, said city shall reimburse said company for any expense to which said company has been put by reason of said action of said city.

Expense shall be paid by city if after notice appraisal is not prosecuted.

Section 3. Said company is hereby authorized to increase its capital stock so that its total capital stock shall amount to one million dollars divided into twenty thousand shares of the par value of fifty dollars each.

Company may increase its capital stock.

Section 4. Whenever the directors of said company shall vote to issue the whole or any part of the capital stock of said company beyond the amount now issued and outstanding, the then existing stockholders shall have the right and be given the opportunity to subscribe therefor at par in proportion to their respective holdings before said stock, or any part thereof, is sold or offered for sale to anyone else.

Stockholders may subscribe for new stock.

Section 5. As to any of the capital stock of said company which may hereafter be issued, said city shall have the right, as at present existing, to take, at the time of such issue, its proportional part thereof as a stockholder, or to sell at the

City may take part of new stock when issued.

CHAP. 225 time of such issue its rights to take its proportional part thereof as a stockholder, but shall have no other or further rights therein.

Company  
may issue  
bonds.

Section 6. Said company is hereby authorized to issue its bonds to be secured by a mortgage or mortgages of its property and franchises to an amount which, including its present outstanding and authorized bonds, shall not exceed in all the amount of the capital stock of said company actually paid in at the time.

Company  
shall not  
make busi-  
ness combi-  
nations.

Section 7. The said company is hereby prohibited from making any consolidation or business combination, either direct or indirect, with any other corporation, firm or individual engaged in furnishing light or heat by either gas or electricity within the city of Portland, and any such attempted consolidation or agreement for such purpose shall be wholly void and of no effect, and the supreme judicial court shall have jurisdiction in equity in regard to the same and shall make such orders and decrees as may be necessary to enforce the provisions of this section.

Quality of  
gas and  
maximum  
price for  
gas.

—proviso.

Section 8. The gas furnished by said company shall be maintained at the same candle power as at present, and from and after the first day of September, nineteen hundred thirteen, the maximum price to be charged by said company for its gas shall be at the rate of one dollar per thousand cubic feet, provided, however, that said company shall have the right to charge a minimum rate of six dollars per year, and may add to all bills not paid within fifteen days of their rendition an additional charge of ten cents per thousand cubic feet.

Appeal from  
fixed price.

It is hereby further expressly provided that, at any time, said city or said company may appeal by proper procedure to any public service commission or other similar tribunal, which may be created by the legislature of this state, or, in the absence of such, may appeal by bill in equity to the supreme judicial court, to determine whether said price, or any price that may hereafter be charged, is just and equitable, and said commission or other tribunal or said court shall have full power and jurisdiction in the premises to establish and enforce by proper decree such price as it shall decide to be proper.

Inconsis-  
tent acts  
repealed.

Section 9. All provisions of the said act of incorporation and acts amendatory thereof and additional thereto inconsistent with this act are hereby repealed.

Approved April 4, 1913.