

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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1917

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

Chapter 155.

An Act to Authorize the Town of Yarmouth to Supply Gas and Electricity.

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

Sec. 1. Town authorized to generate and sell gas and electricity. The town of Yarmouth, by its municipal officers or by such commission as it may choose, is authorized and empowered to buy, make, generate, transmit, supply, sell and distribute electricity or gas, or both, for light, heat and power in the town of Yarmouth, to said town and to corporations, firms and individuals.

Sec. 2. Locations subject to approval of town. Subject to the permission of said town, all locations upon, in or under the streets, roads or highways in said town, necessary for the purposes of this act, are hereby granted, and the municipal officers shall designate the streets, roads or ways to be so occupied, the location of the poles, and may establish reasonable restrictions as to kind of poles, their construction and maintenance, the height of wires and use of guard wires.

Sec. 3. Powers. The town of Yarmouth, by its municipal officers or by said commission, is authorized and empowered to acquire, by lease or purchase, any lands, real estate or water powers, developed or undeveloped, lying wholly or partly in Yarmouth, and also the plant, property and franchises of any company now or hereafter doing a similar business in said town; to locate, construct and maintain dams; build and equip power houses, reservoirs or gas holders; install water wheels and dynamos; erect poles or lay pipes and conduits and string wires above or below ground; to contract with any corporation, firm or individual for the purchase or sale of power or electricity; to lease its plant, for not exceeding five years, to any corporation, firm or individual; and to do all other things necessary to carry out the purposes set forth in section one.

Sec. 4. Proviso. Before the town of Yarmouth shall construct any plant under the provisions of this act, it shall purchase the plant, property and franchises of the Yarmouth Lighting Company, provided the said company desires to sell; and said company is hereby authorized to sell. The procedure shall be as follows: When the town of Yarmouth shall vote to enter upon the business of supplying gas and electricity, or either, the town clerk shall notify the said Yarmouth Lighting Company of such action by registered letter directed to its office. If, within thirty days thereafter, said company signify in writing to said town clerk its decision to sell, it shall within ninety days after so signifying deliver to said town suitable deeds, or other instruments conveying its plant, property and franchises; and said town shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. Should said town and said company be unable to agree upon the value of said plant, property and franchises, then such value shall be determined by three appraisers, one of whom shall be chosen by the town, one by the company, and a third by these two, or, if they be unable to agree, the third shall be named by the chief justice of the supreme court of Maine.

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Sec. 5. May take land, real estate or undeveloped water power; procedure. Said town, by its municipal officers or commission, shall have the right to take any land or real estate or undeveloped water power, located wholly or partly in the town of Yarmouth, as may be necessary for the purpose of carrying out the provisions of this act. Said town, by its municipal officers or said commission may enter upon any lands or real estate so taken and held, to make surveys and locations, and shall file in the registry of deeds in the county in which such land or property lies, plans of such lands and locations, showing the property taken within said county, and within thirty days thereafter, shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued three weeks successively, and such filing in the registry of deeds shall be in lieu of any other filing now required by law.

Sec. 6. Adjustment of damages. Should the said town of Yarmouth, by its municipal officers or said commission, and the owner of such land, real estate or undeveloped water power, be unable to agree upon the damages to be paid for such taking, location and holding, the land owner or the town of Yarmouth by its municipal officers or said commission, may, within six months after the filing of said plans and location, apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of railroads, so far as such law is consistent with the provisions of this act.

Sec. 7. Bond issue. Said town is hereby authorized to issue bonds or town orders for carrying out this act, upon such rates and time, and to such amounts as it may deem necessary, subject to provisions of chapter fifty-five of the revised statutes known as the public utilities act.

Sec. 8. Approval of public utilities commission necessary before act is effective. Said town shall not exercise the powers and privileges conferred on it by this act until it shall have obtained the consent of the public utilities commission given after public hearing of all parties interested, with a declaration that public convenience and necessity require the exercise of said powers and privileges by said town; provided, however, that such consent shall not be necessary for said town to furnish electricity for its own municipal purposes.

Approved April 3, 1917.

Chapter 156.

An Act to Authorize the Construction of a Weir in the Tidewaters of Little Machias Bay in the Town of Cutler.

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

Sec. 1. A. A. Hodgdon, et als, authorized to construct weir. A. A. Hodgdon of Cutler and others in the County of Washington are hereby authorized to build and maintain a weir for fishing purposes in front of