

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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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

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Chapter 182.

An Act to Incorporate the Van Buren Light and Power District.

Emergency preamble. Whereas, the inhabitants of certain territory in the town of Van Buren, in the county of Aroostook, desire that a municipal light and power district be established and created embracing said territory, and

Whereas, this act provides for the taking over of an existing public utility, and

Whereas, important contracts relating to the adequate lighting of the streets of said territory are affected by this act, so that it is necessary for the inhabitants of said territory to make provision therefor without delay, and

Whereas, in the opinion of the legislature the proper lighting of the public streets in said territory is necessary for the public peace, health and safety of said territory and of the state, and the need therefor constitutes an emergency within the meaning and provisions of the constitution of this state:

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

Sec. 1. District created; territorial limits and purposes; bond issue authorized. The following described territory and the people within the same, namely so much of the town of Van Buren as is bounded on the southeasterly side by the town line between said Van Buren and Hamlin; on the northwesterly side by the northwesterly line of the homestead farm of Basil Violette; on the southwesterly side by the rear line of the river lots; and on the northeasterly side by the Saint John river, is hereby created a body politic and corporate under the name of the Van Buren Light and Power District; with the right of making, generating, purchasing, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, and to sell the same for street lighting purposes and to light all public and private buildings, houses, stores, warehouses, mills and business places in said district, and likewise for heating, domestic and power purposes. Said district is also authorized to build such system as may be required to carry out the purposes herein stated, or to acquire by purchase or the right of eminent domain any existing system or systems and to enlarge or extend the same as circumstances shall require. Said district is also authorized to issue bonds to such amount as may appear necessary to fully accomplish the above purposes with a view to furnishing the inhabitants of such district with gas and electricity for all purposes to which the same may be advantageously applied.

Sec. 2. Poles and wires may be constructed along streets and across private property; damages. Said district shall have power to construct and maintain its lines, poles, wires and fixtures for transmission of gas or electricity over and across and under roads and streets in the territory above named; subject, however, to the conditions and restrictions of the general law, and shall have the right to construct and maintain its transmission lines, poles and wires as aforesaid across private property, but shall

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be liable to pay damages to the owners thereof, under the same conditions and limitations as are by law prescribed in the case of damage for the laying out of highways.

Sec. 3. Transfer of Van Buren Light and Power Company authorized; price fixed. If this act shall be accepted by a majority vote of the legal voters within said district at its meeting to be called and held as hereinafter provided, the said district is hereby authorized, directed and required to purchase the capital stock, plants, properties (except bills receivable, whether arising out of contracts or otherwise), rights, franchises and locations of the Van Buren Light and Power Company, and the said Van Buren Light and Power Company is hereby authorized to convey, transfer and assign such stock, plants, properties, (except bills receivable, whether arising out of contracts or otherwise), rights, franchises and locations to the said Van Buren Light and Power District on the payment by said district to said company of the sum of thirty thousand dollars (\$30,000) on or before July first, nineteen hundred and seventeen. If said sum of thirty thousand dollars (\$30,000) is not accepted by said company on July first, nineteen hundred and seventeen, said district may proceed to acquire the above mentioned property of the Van Buren Light and Power Company under the provisions of section four of this act.

Sec. 4. Proceedings and provision in case stipulated price is refused. In case the Van Buren Light and Power Company refuses to accept the sum of thirty thousand dollars (\$30,000) for its capital stock, plants, properties, (except bills receivable, whether arising out of contracts or otherwise), rights, franchises and locations on or before July first, nineteen hundred and seventeen, said light and power district through its trustees is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said Van Buren Light and Power District through its trustees is hereby authorized, on or before September first, nineteen hundred and seventeen, to file a petition in the office of the clerk of the supreme judicial court of the county of Aroostook, in term time or in vacation, addressed to any justice of said court, who, after notice to said Van Buren Light and Power Company, shall, after hearing and within thirty days after the filing of said petition, appoint three disinterested appraisers, none of whom shall be residents of the county of Aroostook, 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 so 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 are fairly and equitably worth, so that the said Van Buren Light and Power Company shall receive just compensation for the same. The first day of July, nineteen hundred and seventeen, shall be the date as of which the valuation aforesaid shall be fixed, from which day interest on said award shall run, and all net rents and profits accruing there-

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after shall belong to the said Van Buren Light and Power District. 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, if final judgment shall then have been rendered in the actions now pending in the law court wherein the Van Buren Light and Power Company is plaintiff and the inhabitants of Van Buren are defendants; if final judgment shall not then have been rendered in said actions, the time for filing said report shall be extended for thirty days after said final judgment. Any justice of the supreme judicial court may, after notice and hearing, confirm or reject the report, or recommit it, if justice so 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 decrees 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 ruling 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 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, revise 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. Before said plant, property and franchises are transferred in accordance with such final decree and before the payment therefor, the court sitting in said county of Aroostook, by a single justice thereof as hereinbefore provided, shall, upon motion of either party, after notice and hearing, take account of all receipts and expenditures properly had or incurred by the Van Buren Light and Power Company belonging to the period after July first, nineteen hundred and seventeen, and all the net rents and profits accruing thereafter, and shall order the net balance due to either party to be added to or deducted from the amount to be paid under such final decree, as the case may be. All findings of law or fact by such single justice at such hearing shall be final. On payment or tender by said Van Buren Light and Power District 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 Van Buren Light and Power District, and be free from all liens and incumbrances theretofore created by the Van Buren Light and Power Company.

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After the filing of said petition it shall not be discontinued or withdrawn by said Van Buren Light and Power District, and the said Van Buren Light and Power Company may thereafterwards on its part cause said valuation to be made as herein provided, and shall be entitled to appropriate process to compel said Van Buren Light and Power District to perform the terms of the final decree, and to pay for said plant, property and franchises in accordance therewith.

Sec. 5. Existing contracts to be assumed. All valid contracts now existing between the Van Buren Light and Power Company and any person or persons or corporations for supplying light and power shall be assumed and carried out by said Van Buren Light and Power District.

Sec. 6. Affairs to be managed by board of trustees; how chosen, tenure, compensation, vacancies; organization of board and officers; by-laws, how made and how revised. All the affairs of said Van Buren Light and Power District shall be managed by a board of trustees composed of three members, to be chosen by ballot by the legal voters within said district, the first election to be at the meeting of the legal voters of the said district to be called to accept this act, one to serve until the annual meeting to be held in nineteen hundred and eighteen, one to serve until the annual meeting to be held in nineteen hundred and nineteen, and one to serve until the annual meeting to be held in nineteen hundred and twenty. Whenever the term of office of a trustee shall expire the legal voters of the said district shall elect a successor to serve for a full term of three years, and if any other vacancy occurs it may be filled in like manner for the unexpired term. The annual election of officers shall be in the month of March. As soon as convenient after the board of trustees has been chosen the said trustees shall hold a meeting at the office of the selectmen in the town of Van Buren, and organize by the election of a chairman and clerk, adopt a corporate seal, and, when necessary, may choose a treasurer and all other needful officers and agents for the proper management of the affairs of said district. Said trustees may procure an office and incur such expenses as may be necessary. 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 district at any legal meeting may prescribe. The said district, 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 it may deem expedient and necessary for the better government and regulation of its affairs within said district, in which case such by-laws and provisions so adopted shall extend to said Van Buren Light and Power District 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 said district called for the purpose.

Sec. 7. Rates and purposes for which money may be expended. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said Van Buren Light and Power District the rates established by said board of trustees for the electricity used by them either for light, heat, power or other purposes; and said rates shall be uniform within said district. Said rates shall be subject to the approval of the

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public utilities commission, and shall be so established as to provide for the following purposes:

1. To pay the current running expenses for maintaining the light and power system contemplated by this act, and interest on all indebtedness.

2. To provide each and every year after April first, nineteen hundred and twenty, a sum equal to not less than one-half of one per cent. nor more than three per cent., and after April first, nineteen hundred and twenty-five, a sum of not less than one per cent. nor more than three per cent. of the entire indebtedness of the said Van Buren Light and Power District, which sum shall be set aside as 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 said district or invested in such securities as savings banks are allowed to hold.

Sec. 8. Incidental powers and privileges. All the incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the district hereby created.

Sec. 9. Referendum; how vote shall be taken and how call shall be issued. This act shall take effect when accepted by a majority vote of the legal voters within said Van Buren Light and Power District, voting at a meeting to be specially called and held for the purpose on the sixteenth day of June, nineteen hundred and seventeen, and George V. Hammond, Willie F. Paradis, Joseph J. Cyr, Robert F. Cyr and Henry A. Gagnon, or either of them, are hereby authorized to call said meeting. The board of registration shall make and provide a separate check list for such of the voters within said Van Buren Light and Power District as are then legal voters of said town, and all warrants issued to said town shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare or the town clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said session. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Van Buren Light and Power District be accepted?" and the voters shall indicate by a cross placed against the words "Yes" and "No" their opinion of the same. The result shall be declared by the selectmen of Van Buren, and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 10. Bond issue authorized. The said Van Buren Light and Power District is hereby authorized to issue its bonds to such an amount as the public utilities commission may authorize for the purpose of raising the amount required to accomplish the various purposes contemplated by this act, to wit, the building of an electric light or gas system, the acquisition of any existing system or systems and the enlargement or extension of the same, and the accomplishment of all other things necessary, useful or inci-

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dental thereto. Said bonds may be of the date and denomination and payable at such times and places, and bear such rate of interest, as the inhabitants of said Van Buren Light and Power District may determine or authorize their trustees to determine, by vote passed at any legal meeting of said inhabitants called for said purpose and containing an article in the warrant for that purpose.

Sec. 11. Emergency clause. This act, two-thirds of all the members elected to each house so directing, shall take effect when approved by the governor.

Approved April 6, 1917.

Chapter 183.

An Act to Create a Volunteer Police Reserve Force for the City of Portland.

Emergency preamble. Whereas, the present conditions of national affairs may induce wanton attempts to injure or destroy docks, elevators, railroad stations and property, public buildings and other buildings by fire, explosions, or other methods in the city of Portland to the injury of said city and its people, and

Whereas, the present police department of said city is not large enough in numbers or discipline to properly preserve the lives and property of its citizens and provide for the peace and safety of said city in time of war, now therefore

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

Sec. 1. Special reserve police force; duties and compensation. The mayor of the city of Portland, with the advice and consent of the aldermen of said city, is authorized to appoint, from time to time, such number of persons as they shall deem expedient to constitute a special reserve police force which shall be known as the "Volunteer Police Reserve of the City of Portland." Said reserve police force may be called by the mayor, with the advice and consent of the aldermen, to act temporarily as police officers of said city, in cases of emergency and public danger, and shall serve in connection with, under the rules and regulations of, and with the powers of, the regular police force of the city of Portland, so far as applicable, and shall obey all orders of the mayor of said city, and when employed, shall receive such compensation as the city council may determine.

Sec. 2. Certain sections of P. & S. L., 1885, c. 486, not applicable; tenure of office of reserve police. The provisions of sections one to four inclusive, of chapter four hundred and eighty-six of the private and special laws of eighteen hundred and eighty-five, and acts additional thereto and amendatory thereof, entitled "An Act Regulating the Appointment of the Members of the Police Force of the City of Portland," shall not be applicable to appointments in said volunteer police reserve. Persons appoint-