

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Ninth Legislature

OF THE

# STATE OF MAINE

1919

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Published by the Secretary of State, in accordance with the Resolves of the Legislature  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Seventy-Ninth Legislature

**1919**

[supplied from page 3 of volume]

## Chapter 65.

An Act to Amend Section Forty of Chapter Fifty-five of the Revised Statutes, Relating to Powers of Public Utilities.

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

**R. S., c. 55, § 40; relating to public utilities selling, leasing or mortgaging property or franchises, or merging with other public utilities without authority of public utilities commission.** Section forty of chapter fifty-five of the revised statutes is hereby amended by striking out the first sentence of said section and substituting therefor the following: 'Any public utility may henceforth sell, lease, assign, mortgage or otherwise dispose of, or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its property, franchises, or permits, or any part thereof, with any other public utility, when, and not otherwise, it shall have first secured from the commission an order authorizing it so to do,' so that said section, as amended, shall read as follows:

**'Sec. 40. May negotiate sale or merger upon order of commission.** Any public utility may henceforth sell, lease, assign, mortgage or otherwise dispose of, or encumber the whole or any part of its property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its property, franchises, or permits, or any part thereof, with any other public utility, when, and not otherwise, it shall have first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit or to waive any forfeiture. Nothing in this section contained shall be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not necessary or useful in the performance of its duties to the public, as to any purchaser of such property in good faith for value. Nothing in this section shall apply to property, franchises, permits or rights of any utility owned and operated exclusively outside this state. No public utility shall hereafter purchase or acquire, take or hold any part of the capital stock of any other public utility organized or existing under or by virtue of the

laws of this state without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect; and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility.'

Approved March 14, 1919.

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## Chapter 66.

An Act to Amend Sections Three and Five of Chapter Thirty-seven of the Revised Statutes, Regulating the Sale of Milk.

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

**Sec. 1. R. S., c. 37, § 3; relating to the publication by commissioner of agriculture of results of analyses of milk and dairy products, amended.** Section three of chapter thirty-seven of the revised statutes is hereby amended by striking out the word "shall" in the second line thereof and inserting in its place the words 'may, in his discretion,' so that said section, as amended, shall read as follows:

**'Sec. 3. Discretionary with commissioner as to publication of analyses.** The commissioner of agriculture may, in his discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken, together with such suggestions as he may deem advisable, in the regular or special bulletins issued by the department of agriculture. He may also, in his discretion, issue each month a report of the results of all analyses, for distribution to such newspapers in the state as may request a copy.'

**Sec. 2. R. S., c. 37, § 5; relating to registration of milk dealers, amended.** Section five of chapter thirty-seven of the revised statutes is hereby amended by inserting after the word "year" in the sixth line thereof the words 'apply to the commissioner of agriculture for registration', and by striking out the words "register with the commissioner of agriculture" in the sixth line thereof; also by inserting after the word "required" in the thirteenth line the words 'and upon being satisfied that all milk is being produced and handled in a sanitary way and is from cows free from disease'; also by inserting after the word "vehicle" in the eighteenth line thereof the words 'the commissioner may cancel the certificate of any dealer, who, after due hearing by the commissioner or his authorized agent, is found to be selling milk produced or handled under unsanitary conditions, or milk from diseased cows'; also by inserting after the word "section"