

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

AT THE

SPECIAL SESSION

November 4-8, 1919

Supplementary to the Acts and Resolves of the Regular Session.

Published by the Secretary of State, in accordance with the Resolves of the
Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL CO.
AUGUSTA, MAINE
1919

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

AT THE

Special Session, November 4-8

1919

Chapter 120.

An Act to Amend Section One of Chapter One Hundred and Seventy-seven of the Private and Special Laws of Nineteen Hundred and Seventeen Relating to the Powers of the Portland Water District and to Amend Chapter Two Hundred and Fifty-seven of the Private and Special Laws of Nineteen Hundred and Eleven Relating to the Powers of the Peak's Island Corporation.

Emergency preamble. Whereas, the inhabitants of the islands of Casco Bay are not at present afforded an adequate supply of pure water for domestic and sanitary purposes and for the extinguishment of fires, and, whereas, it is impossible to remedy this inadequacy because of conditions existing on said islands, and, whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section sixteen of article thirty-one of the constitution of Maine, and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

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

Sec. 1. P. & S. L. 1917, c. 177, § 1, additional to P. & S. L. 1907, relating to powers of Portland Water District, amended. Section one of chapter one hundred and seventy-seven of the private and special laws of nineteen hundred and seventeen, relating to the powers of the Portland Water District, is hereby amended by adding after the last word of said section, the following words: 'provided however that said Portland Water District shall supply water for domestic, sanitary and municipal purposes to the inhabitants of Peak's Island in said Casco Bay when in the judgment of the public utilities commission, after due notice and hearing, it is found that the Peak's Island Corporation is unable to furnish adequate service and the health, welfare and comfort of the inhabitants of said island require the same, and provided further that the public utilities commission shall, in the order finding said condition to exist, appoint a time to determine the fair value of the property, rights and franchises of the Peak's Island Corporation used or useful as a water company and the damage, if any, to it, resulting from the severance of its water and gas plants, and shall determine the same after notice and public hearing, which said value and damage, if any, the said Portland Water District shall pay to said Peak's Island Corporation within sixty days after the date on which said district shall be ordered to begin to furnish Sebago water, and it, the said Portland Water District, shall, upon said payment, be vested with title to said property, rights, and franchises, free from all liens and encumbrances. Said commission may act in the premises upon its own motion and shall act upon the petition of ten or more interested persons, and shall in either event give public hearing upon such notice as its deems reasonable,' so that said section as amended shall read as follows:

'Sec. 1. Portland Water District authorized, to take over certain franchises and rights of Peak's Island Corporation provided said corpo-

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ration is not able to furnish an adequate water supply; procedure to be employed. The Portland Water District is hereby authorized to supply Sebago water for domestic, sanitary and municipal purposes to the inhabitants and the towns of Gorham, Falmouth and Cumberland; also to the government reservations, and the inhabitants on the islands in Casco Bay in Cumberland County, lying and being in the territorial limits of the cities and towns wherein said district is now, or may be hereafter authorized to supply water, and also to any public utility now supplying water in said county, provided that said district shall not supply water in any section of said territory, except to the government reservations, where another corporation, person or association is now furnishing water under a franchise from the state, without the consent of such corporation, person or association and the consent of the public utilities commission, provided however that said Portland Water District shall supply water for domestic, sanitary and municipal purposes to the inhabitants of Peak's Island in said Casco Bay when in the judgment of the public utilities commission, after due notice and hearing, it is found that the Peak's Island Corporation is unable to furnish adequate service and the health, welfare and comfort of the inhabitants of said island require the same, and provided further that the public utilities commission shall, in the order finding said condition to exist, appoint a time to determine the fair value of the property, rights and franchises of the Peak's Island Corporation used or useful as a water company and the damage, if any, to it, resulting from the severance of its water and gas plants, and shall determine the same after notice and public hearing, which said value and damage, if any, the said Portland Water District shall pay to said Peak's Island Corporation within sixty days after the date on which said district shall be ordered to begin to furnish Sebago water, and it, the said Portland Water District, shall, upon said payment, be vested with title to said property, rights, and franchises, free from all liens and encumbrances. Said commission may act in the premises upon its own motion and shall act upon the petition of ten or more interested persons, and shall in either event give public hearing upon such notice as it deems reasonable.

Sec. 2. Provisions of P. & S. L. 1911, c. 257, and P. & S. L., c. 177, amended to conform. All provisions of chapter one hundred and seventy-seven of the private and special laws of nineteen hundred and seventeen and all provisions of chapter two hundred and fifty-seven of the private and special laws of nineteen hundred and eleven which are inconsistent herewith are hereby amended to conform hereto.

Sec. 3. Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.

Approved November 7, 1919.