

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second
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westerly boundary of the town of Connor to the northerly boundary of the town of Connor and thence easterly along the northern boundaries of the town of Connor and the northern boundary of Caswell Plantation to the easterly boundary of the state of Maine; thence south along the eastern boundary of the state of Maine to the southeastern corner of the town of Easton, the point of beginning, shall be within the civil jurisdiction of said court, as follows: first, of all civil actions wherein the debt or damage demanded, does not exceed two hundred dollars in which any person summoned as trustee resides within said jurisdictional district, or, if a corporation has an established place of business in said district; or, in which, if any actions are not commenced by a trustee process, any defendant resides in said district, or, if no defendant resides within the limits of this state, any defendant is served with process in said district, or the goods, estates or effects of any defendant are found within said district and are attached on the original writ; but no proceedings under the laws relating to divorce shall be included within the jurisdiction of said court.

Sec. 2. P. & S. L., 1905, c. 352; additional Chapter three hundred and fifty-two of the private and special laws of nineteen hundred and five is hereby amended by adding at the end of said chapter the following section:

'Sec. 22. Jurisdiction of other courts not affected. Nothing in this act shall be construed to limit or affect the territorial jurisdiction, in civil or criminal matters, of the other municipal courts in said county of Aroostook, as is established by their respective acts; but the jurisdiction of said Caribou municipal court over any portion of the county of Aroostook now within the territorial jurisdiction of other municipal courts within said county shall be concurrent with said other municipal courts.'

Approved March 31, 1925.

Chapter 84.

An Act Relating to the Portland Gas Light Company.

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

Sec. 1. Charter rights extended twenty-five years. 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 twenty-five 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 twenty-five 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 herein provided and nothing shall be allowed or paid for said twenty-five year extension herein granted.

Sec. 2. City of Portland granted right to acquire property and franchises; procedure. The city of Portland shall have the right on January first, nineteen hundred and twenty-eight, or at the expiration of each five-year period thereafter, upon vote of the 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.

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-eight, 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-eight, 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.

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.

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.

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

Sec. 4. Stockholders to have first right to purchase new issues of stock. 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.

Sec. 5. City to have right to take its proportional part of new issues of stock. 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 time of such issue its rights to take its proportional part thereof as a stockholder, but shall have no other or further rights therein.

Sec. 6. Bond issue authorized. Said company is hereby authorized to issue its bonds to be secured by a mortgage or mortgages of its property and franchises to such an amount as may be approved by the public utilities commission of the state of Maine, provided, however, that the total amount of the bonded indebtedness of said company shall never exceed twice the amount of its capital stock actually paid in at the time.

Sec. 7. Consolidation with other corporations or firms, prohibited. 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.

Sec. 8. Existing statutes not affected; rights conferred subject to provisions of R. S., c. 55. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes and acts amendatory thereof or additional thereto.

Sec. 9. Inconsistent provisions of charter, repealed. All provisions of

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

Approved April 2, 1925.

Chapter 85.

An Act to Repeal Chapter Three Hundred and Eighty-nine, of the Private and Special Laws of Nineteen Hundred and Five, Entitled "An Act to Grant Certain Powers to the Town of Eden."

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

P. & S. L., 1905, c. 389; relating to method of electing officers of town of Eden, repealed. Chapter three hundred and eighty-nine of the private and special laws of nineteen hundred and five is hereby repealed.

Approved April 3, 1925.

Chapter 86.

An Act Relating to Taking of Clams in Machiasport.

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

P. & S. L., 1923, c. 63, sec. 1; relating to taking clams in town of Machiasport, amended. Section one of chapter sixty-three of the private and special laws of nineteen hundred and twenty-three is hereby amended by adding at the end of said section the following: 'Excepting, however, all that part of the clam flats in the town of Machiasport that lies northerly of a line that starts at the sea wall point at the entrance to Little Kennebec river in the town of Roque Bluffs and extends east to the shore of said Machiasport'; so that said section, as amended, shall read as follows:

'Sec. 1. Certain clam flats excepted. It shall be unlawful for any person not a resident of the town of Machiasport, in the county of Washington, to dig clams for commercial purposes within the limits of said town. Excepting, however, all that part of the clam flats in the town of Machiasport that lies notherly of a line that starts at the sea wall point at the entrance to Little Kennebec river in the town of Roque Bluffs and extends east to the shore of said Machiasport.'

Approved April 3, 1925.