

HOUSE No. 177

By Mr. Birmingham of Boston, petition of Leo M. Birmingham for an amendment of the law relative to the establishment of municipal lighting plants. Power and Light.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to the Establishment of Municipal Lighting Plants.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section forty-three of chapter one
2 hundred and sixty-four of the General Laws, as
3 amended by section two of chapter three hundred
4 and seventy-nine of the acts of nineteen hundred
5 and twenty-nine, is hereby further amended by strik-
6 ing out said section and inserting in place thereof
7 the following: —

8 *Section 43.* If a town which votes to establish a
9 municipal lighting plant fails, within one hundred
10 and fifty days from the passage of the final vote
11 required by section thirty-five or thirty-six, to agree,
12 as to price or as to the property to be included in
13 the purchase, with any person or municipality en-
14 gaged at the time of the first vote required by said
15 section thirty-five or thirty-six in generating or

16 distributing gas or electricity for sale for lighting
17 purposes in such town and electing to sell, the town
18 may proceed to construct or otherwise acquire a
19 municipal plant without further attempt to acquire
20 the plant of such owner or any part thereof; pro-
21 vided, however, that in the case of a city such action
22 is authorized by vote of its city council, or of its
23 commissioners if its government consists of a com-
24 mission, and that in case of a town such action is
25 authorized by vote at a town meeting.

1 SECTION 2. Clause (8) of section eight of chap-
2 ter forty-four of the General Laws, as amended by
3 section eleven of chapter four hundred and eighty-
4 six of the acts of nineteen hundred and twenty-one,
5 and by chapter two hundred and ninety-one of the
6 acts of nineteen hundred and twenty-eight, is hereby
7 further amended by striking out the words "but
8 the outstanding indebtedness so incurred shall not
9 exceed in a town five per cent and in a city two
10 and one half per cent of the last preceding assessed
11 valuation of such town or city",—so as to read as
12 follows:—(8) For establishing, purchasing, extend-
13 ing or enlarging a gas or electric lighting plant
14 within the limits of the territory within which such
15 gas or electric lighting plant is authorized to dis-
16 tribute its products, twenty years.

