

HOUSE No. 328

By Mr. Birmingham of Boston, petition of Leo M. Birmingham for 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-Four.

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 and
5 twenty-nine, is hereby further amended by striking
6 out said section and inserting in place thereof the
7 following: —

8 *Section 43.* If a town which votes to establish
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 chapter
2 forty-four of the General Laws, as amended by sec-
3 tion eleven of chapter four hundred and eighty-six
4 of the acts of nineteen hundred and twenty-one, and
5 by chapter two hundred and ninety-one of the acts
6 of nineteen hundred and twenty-eight, is hereby
7 further amended by striking out the words "but the
8 outstanding indebtedness so incurred shall not exceed
9 in a town five per cent and in a city two and one half
10 per cent of the last preceding assessed valuation of
11 such town or city", — so as to read as follows:—
12 (8) For establishing, purchasing, extending or en-
13 larging a gas or electric lighting plant within the
14 limits of the territory within which such gas or elec-
15 tric lighting plant is authorized to distribute its
16 products, twenty years.