

HOUSE No. 1156

By Mr. Sawyer of Ware (by request), petition of the State Executive Committee of the Socialist Party for legislation relative to establishment of municipal electric light and power plants. Power and Light.

The Commonwealth of Massachusetts

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

An Act relative to the Establishment of Municipal Electric Light and Power 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. Chapter one hundred and sixty-four
2 of the Tercentenary edition of the General Laws is
3 hereby amended by striking out section thirty-five
4 and inserting in place thereof the following:—

5 *Section 35.* A city shall acquire the existing plant
6 within its borders or establish or construct a plant of
7 its own when authorized by a two-thirds vote of its
8 city council, or a majority of the commissioners if the
9 city government consists of a commission, or by a
10 majority vote of the qualified voters voting thereon at
11 any regular state or city election or at a special city
12 election called for that purpose.

1 SECTION 2. Said chapter one hundred and sixty-
2 four is hereby amended by striking out section thirty-
3 six thereof and inserting the following:—

4 *Section 36.* A town shall acquire the existing plant
5 or establish or construct a lighting plant of its own
6 when authorized by a majority vote of the inhabitants
7 thereof at each of two town meetings called therefor
8 and held at intervals of not less than two nor more than
9 thirteen months. If the vote on such proposition is
10 unfavorable no further vote shall be taken thereon
11 within one year thereafter.

1 SECTION 3. Said chapter one hundred and sixty-
2 four of the General Laws is hereby amended by in-
3 serting after section forty-two thereof the following
4 new section: —

5 *Section 42A.* If a city or town votes to establish
6 or construct a municipal lighting plant it may do so
7 without first purchasing or offering to purchase any
8 such plant that may exist within its borders.

1 SECTION 4. Said chapter one hundred and sixty-
2 four of the General Laws is hereby amended by strik-
3 ing out section forty-three and inserting in place
4 thereof the following: —

5 *Section 43.* (1) Acquiring or constructing a munic-
6 ipally owned electric light and power plant is hereby
7 declared to be a public purpose for which property
8 may be taken by condemnation proceedings through
9 the exercise of the power of eminent domain.

10 (2) If a city or town votes to acquire a plant already
11 existing within its borders it shall have ninety days
12 from the passage of the final vote required by sections
13 thirty-five or thirty-six to agree with the person or cor-
14 poration owning such plant on the price to be paid
15 for such plant.

16 (3) If the city or town and the person or corpora-

17 tion owning such plant fail within ninety days from
18 the passage of the final vote required by section thirty-
19 five or thirty-six to agree on a price, the city or town
20 may proceed to acquire such plant by condemnation
21 proceedings.

22 (4) In determining the price to be paid for such
23 plant acquired by condemnation proceedings, the
24 courts or any other body that may be agreed on by the
25 parties interested to determine the price to be paid for
26 such plant, shall set a price no greater than the amount
27 actually spent in the construction of such plant, less a
28 reasonable amount for depreciation, and plus the
29 actual damage suffered, if any there be, which results
30 from the severance of the property included in the
31 condemnation proceedings from the other property of
32 the owner. Provided, however, that if the city or town
33 offers to acquire the property of the owner outside its
34 borders, and pay for the same the amount actually
35 spent in the construction of such plant outside its
36 borders, no damage for severance shall be allowed. In
37 the latter case the municipality acquiring such prop-
38 erty shall be held to the duty of supplying electricity
39 to the customers outside its limits at the same rate
40 that it fixes for its own inhabitants, and otherwise in
41 accordance with the existing law.

The first part of the report deals with the general
 situation of the country and the progress of the
 various departments. It is followed by a detailed
 account of the work done in each of the
 different branches of the service. The report
 concludes with a summary of the results achieved
 during the year and a statement of the
 resources available for the following year.