

EXHIBIT M

this chapter, one or more suitable plants for the manufacture and/or distribution of gas and/or electricity for municipal use and for the use of its inhabitants and others, and for such other purposes as may be permitted, authorized or directed by the commission; and for these purposes may purchase and hold in fee simple or otherwise any real or personal estate and any rights therein, including water rights; and may do all other things necessary for carrying into effect the purposes of this chapter; and may excavate and dig conduits and ditches in any highway or other land or place, and erect poles, place wires, and lay pipes for the transmission and distribution of electricity and gas, in such places as may be deemed necessary and proper; and may change, enlarge and extend the same from time to time when the municipality shall deem necessary, and maintain the same, having due regard for the safety and welfare of its citizens and security of the public travel.

3. Acquisition by Cities. Any city may acquire or establish such a plant after the city council by vote of two thirds of its members shall have voted, subject to the veto power of the mayor as provided by law, that it is expedient so to do, and after such action by the city council shall have been confirmed by a majority of the qualified voters at a regular election or at a special meeting duly warned in either case; and if such confirming vote is not had within one year from the date of the vote to acquire, or if it is had and is unfavorable, no similar votes shall be passed within two years thereafter.

4. Acquisition by Towns. Any town or village district may acquire or establish such a plant after two thirds of all the voters present and voting at an annual or special meeting, duly warned in either case, have voted by ballot with the use of the check-list that it is expedient so to do. If such vote is unfavorable no like vote shall be passed within two years thereafter.

5. Demand. Within thirty days after the passage of the confirming vote provided for in section 3 or the vote provided in section 4 hereof, the mayor of the city, the selectmen of the town, or the commissioners of the district shall notify in writing any utility engaged, at the time of said vote, in generating or distributing gas or electricity for sale in said municipality, of said vote, and ask said utility whether it

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elects to sell, in the manner hereinafter provided, that portion of its plant and property located within said municipality which is suitable for and used in connection with the business of said utility, and that portion, if any, lying without said municipality which the public interest may require the said municipality to purchase.

6. **Reply.** The utility shall reply to such inquiry by delivering its answer in writing to the mayor of the city, the selectmen of the town, or the commissioners of the district within sixty days of the receipt of said inquiry. If the reply is in the negative, or if the reply is not made within the sixty days aforesaid, the utility thereby forfeits any right it may have had to require the purchase of its plant and property by the municipality. If the reply is in the affirmative, it shall submit the price and terms it is willing to accept for all of said plant and property, together with a detailed schedule of all the plant and property it proposes to sell to said municipality, with appropriate deeds, bills of sale, and other proper evidences of title; and if any of said plant and property lies without the said municipality, a separate schedule of said plant and property, with its proportionate share of the purchase price, shall likewise be filed; and all of the said plant and property named in said schedules and used in connection therewith, shall at all reasonable times thereafter be open to the examination of the authorities and experts of the municipality or any other persons or boards charged with the duty of determining the fair value of said property.

7. **Agreement.** The mayor and council of a city, the selectmen of a town, or the commissioners of a village district, may negotiate and agree with the utility upon the price to be paid for such plant and property, provided, however, that such agreement shall not be binding upon any city until ratified by a vote of the city council or upon any town or village district until ratified by the voters of said town or village district in the manner provided in section 4 hereof for votes in towns or village districts, and said ratifying votes shall be had within ninety days of the date of the filing of the reply provided in section 6 hereof.

8. **Valuation.** If the municipality does not ratify the agreement to purchase in the manner provided in section 7 hereof; or if the price cannot be agreed upon; or if it cannot

be agreed as to how much, if any, of said plant and property lying without said municipality the public interest requires said municipality to purchase; or if the proposed conveyances or their contents, submitted in accordance with section 6 hereof, are not satisfactory, either the municipality or the utility may petition the commission for a determination of these questions; and the commission, after proper notice and hearing, shall decide the matters in dispute; and shall also, when required to fix the price to be paid for said plant and property, determine the amount of damages, if any, caused by the severance of the plant and property proposed to be purchased from the other plant and property of the owner; and from all of said determinations there shall be the right of appeal to the superior court, and upon such appeal the price determined by the public service commission may be considered as evidence on the question of the value of said plant and property. The expense to the commission for the investigation of the matters covered by said petition, including the amounts expended for experts, accountants or other assistants, and salaries and expenses of all employees of the commission for the time actually devoted to said investigation, but not including any part of the salaries of the commissioners, shall be paid by the parties involved, in the manner fixed by the commission.

9. **Construction and Condemnation.** If the utility shall have replied in the negative or if it shall have failed to reply within the time prescribed in section 6 hereof, the municipality in the event that it shall have passed the vote or votes required in sections 3 and 4 hereof and after the commission upon proper notice and hearing has determined that it is for the public interest so to do may construct a municipal plant or may take such private plant and property by condemnation, paying therefor just compensation determined in the manner provided in section 8 hereof.

10. **Ratification.** Within ninety days of the final determination of the price to be paid for said plant and property, as well as the amount of said plant and property to be taken or acquired under the provisions of section 8 or 9 hereof, said municipality shall decide whether or not to take said plant and property at said price by a vote similar to the ratifying vote provided in section 7 hereof. In the event that said

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vote or the vote in section 7 hereof is in the affirmative, the municipality may then vote, within ninety days thereof, to raise by taxation, and appropriate, or, as provided by chapter 59 of the Public Laws of New Hampshire, to borrow and hire such sums of money on the credit of the municipality as may from time to time be deemed necessary and expedient for the purpose of defraying the cost of purchasing or taking the plant, property or facilities of the utility which the municipality may thus acquire, or for constructing or enlarging any plant, works or system, and said indebtedness shall not exceed at any one time ten per cent of the tax valuation of the municipality, or, in the event of a taking, such price and damages as are finally determined under the provisions of this act; and if said money is so raised it shall immediately be paid to the utility, which shall thereupon execute the conveyance provided for in section 6 hereof, at which time the said plant and property shall be surrendered to the municipality, which shall take possession of the same and thereafter shall operate it as a public utility.

If said ratifying vote provided for in this section shall be in the negative, no other action under this chapter shall be had during the ensuing period of two years.

11. **Operation.** A municipality, which has so acquired the plant, property or facilities of a public utility in any other municipality, may thereafter operate therein as a public utility with the same rights and franchises which the owners of such outlying plant, as purchased, would have had had such purchase not been made; and in so far as any municipality operates outside of its own limits, such operation shall be subject to the same jurisdiction, control and regulation by the public service commission as would any other public utility so operating. If the outlying municipality shall itself vote to establish a municipal plant all the provisions of this chapter shall be binding as to such purchase.

12. **Taking Property.** Any such municipality may enter upon and take by eminent domain any land or any interest in land or water right within its limits which may be necessary for the construction, extension or maintenance of its plant, and shall pay all damages sustained thereby, or by any other thing done under the authority of this chapter.

13. **Damages.** If the municipality shall not agree with