

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 388

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to incorporate Ossipee Valley Power Company.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Charles A. Bodwell, Will J. Bodwell and Still-
2 man A. Bodwell, their associates, successors and assigns, are
3 hereby made a body corporate by the name of Ossipee Valley
4 Power Company, with all the powers, rights and privileges
5 and subject to all the duties and obligations conferred and
6 imposed on corporations by law, except as otherwise provided
7 herein.

Sect. 2. The capital stock of said corporation shall be two
2 hundred thousand dollars divided into shares of one hundred

3 dollars each. Said capital stock may be increased from time
4 to time by vote representing a majority of the capital stock
5 issued, but shall not exceed five hundred thousand dollars.

Sect. 3. The purposes of said company are to develop
2 water powers on Little Ossipee river and tributaries thereof
3 in the county of York, and to store and regulate the flow
4 of the waters of said river and tributaries so that said waters
5 may be economically employed for manufacturing and
6 mechanical purposes, to erect and maintain dams, mills and
7 buildings on or adjacent to said river and tributaries; to
8 furnish water power for manufacturing and mechanical
9 purposes; to generate, make, buy, sell, distribute and supply
10 electricity and electric power for lighting, heating, manu-
11 facturing, mechanical and transportation and other power
12 purposes in the towns of Shapleigh, Newfield, Limington,
13 Waterboro and Alfred in said county of York; to generate,
14 sell and supply electricity and electric power to any and all
15 electric light, power and transportation companies doing
16 business in any or all towns adjacent to said towns of Shap-
17 leigh, Newfield, Limington, Waterboro and Alfred, with all
18 the rights, privileges and powers and subject to all the
19 restrictions and liabilities by law incident to corporations of
20 a similar nature.

Sect. 4. In order to accomplish the purposes aforesaid,
2 said company may take and hold any and all real estate by
3 purchase, lease or otherwise, but not by the right of eminent
4 domain, along and adjacent to said river and tributaries

5 thereof, and in said towns, which it may deem necessary or
6 convenient therefor, together with necessary or convenient
7 rights of way from the public ways in said county to prop-
8 erty so acquired by said company. It may construct and
9 maintain dams and reservoirs for the storage of water upon
10 said river and tributaries thereof, and may store and retain
11 the waters of said river and tributaries. Said company is
12 hereby authorized to remove any and all rocks in said river
13 and tributaries when necessary to their said purposes; and
14 they may also erect and maintain piers above any dam or
15 dams erected or purchased by said company, for the purpose
16 of holding lumber, provided a suitable passage or channel is
17 kept and maintained for floating logs and lumber over the
18 pond or ponds caused by said dam or dams, and a suitable
19 sluice is also maintained in said dam or dams for the passage
20 of logs or lumber. Provided that this act shall not be con-
21 strued as granting exclusive right to said company to the
22 use of said river and tributaries, but only such reasonable
23 and necessary use thereof for the purposes herein specified
24 as may be exercised consistently with the enjoyment of
25 similar and other property rights or privileges already exist-
26 ing or subsequently acquired by other parties.

Sect. 5. Said company shall have the right to acquire by
2 purchase or lease, any existing dam or dams, water powers
3 or privileges upon said river and tributaries thereof, and in
4 case it so purchases any such dam, water power or privileges,
5 it may acquire by purchase. lease or otherwise, any and all

6 real estate which it may deem necessary or convenient for the
7 purposes aforesaid, together with necessary or convenient
8 rights of way from public ways to property so taken or other-
9 wise acquired by said company.

Sect. 6. Said company shall have the right to raise and
2 rebuild any dam which it may purchase, but the damages by
3 flowage caused by the increased height of any such dam, or
4 by any new dam erected by it, may be recovered by com-
5 plaint, as provided in chapter 94 of the Revised Statutes.

Sect. 7. Said company shall in no way hinder or prevent
2 owners of existing mills or dams upon said river and tribu-
3 taries thereof from obtaining, in times of high water, a suffi-
4 cient head to operate their mills, and in times of low water
5 an amount equal to the ordinary flow of the stream at such
6 times.

Sect. 8. Said company is hereby empowered to set poles
2 and extend wires and lay its pipes and conduits and con-
3 struct and maintain its lines in, upon, along, over, across and
4 under the roads, streets, and also land owned, or hereafter
5 acquired, or land over which said company may acquire
6 rights of way, in the towns of Shapleigh, Newfield, Liming-
7 ton, Waterboro and Alfred for the purpose of furnishing
8 electric lights and electricity for heating, manufacturing,
9 lighting, mechanical and transportation purposes for public
10 and private use in said towns in said county of York, under
11 such reasonable restrictions as may be imposed by the
12 municipal officers of said towns, subject to the general laws

13 of the state regulating the erection of posts and lines and
14 laying pipes and conduits for the purposes of electricity.

Sect. 9. Said company is hereby authorized to make con-
2 tracts with said towns of Shapleigh, Newfield, Limington,
3 Waterboro and Alfred in York county, and with any and
4 all other corporations, and individuals for the purpose of
5 supplying electricity for light, heat and power, as contem-
6 plated by this act, and said towns, by their selectmen, and
7 other corporations, are hereby authorized to enter into con-
8 tracts with said company for the supplying of electricity for
9 light, heat and power, and for such exemption from public
10 burden as such towns and such corporations and said com-
11 pany agree upon, which, when made, shall be legal and
12 binding upon all parties.

Sect. 10. Said company, at its own expense, without
2 unnecessary delay, shall remove any and all obstructions in
3 any street or public way made in erecting or laying the lines
4 or conduits for any purposes contemplated in this act and
5 cause earth disturbed to be properly replaced. It shall not
6 be allowed to obstruct or impair the use of any public or
7 private drain or gas pipe, sewer, telegraph, telephone or rail-
8 road wire, but may cross, or when necessary, change the
9 direction of any private wire or pipe, drain or sewer in such
10 manner as not to obstruct or impair the use thereof, being
11 responsible to the owner, or other person, for any injury
12 occasioned thereby, in an action on the case.

Sect. 11. Said company may issue its bonds upon such
2 rates and time, not exceeding thirty years, as it may deem

3 expedient, and in such amount as may be required for the
4 objects of its incorporation, but shall not exceed in amount
5 the capital stock issued from time to time, and for the pur-
6 poses authorized by this act, and secure the same by mort-
7 gage upon the franchises and property of said company.

Sect. 12. The said company is hereby authorized to acquire
2 by lease, purchase or otherwise, electricity, and electric
3 power, also the power plant, pole line, property and assets,
4 rights, privileges and franchises, or any part thereof, of any
5 corporation now or hereafter engaged in similar business on
6 said river and tributaries thereof, or elsewhere, and to pay
7 therefor wholly or partly in the stocks and bonds of said
8 Ossipee Valley Power Company, and said corporations are
9 hereby respectively authorized to lease or sell electricity and
10 electric power, also their respective power plants, pole lines,
11 property and assets, rights, privileges and franchises, or any
12 part thereof, to said Ossipee Valley Power Company, and
13 are hereby respectively authorized to take, hold, sell, assign,
14 transfer, mortgage, pledge and otherwise dispose of shares
15 of the capital stock or bonds, securities or evidences of
16 indebtedness of said Ossipee Valley Power Company, with
17 all the rights, powers and privileges of ownership therein
18 conferred upon corporations under chapter 47 of the Revised
19 Statutes and amendments thereof and additions thereto.
20 And whenever, or as often as said Ossipee Valley Power
21 Company has acquired by lease, purchase or otherwise, the
22 aforesaid power plant, pole lines, property and assets, rights,

23 privileges and franchises, or any part thereof, of any or all
24 of said corporations, said Ossipee Valley Power Company
25 shall thereupon succeed to and have, and is hereby author-
26 ized to exercise such of the rights, privileges and franchises
27 of any or all of said corporations acquired as aforesaid by
28 said Ossipee Valley Power Company.

Sect. 13. The principal office of said company shall be
2 located in the town of Sanford, in the county of York, and
3 said company may establish offices and places of business in
4 the towns of Shapleigh, Newfield, Limington, Waterboro
5 and Alfred.

Sect. 14. The first meeting of said company may be called
2 by written notice thereof signed by any two corporators
3 herein named, served upon each corporator by a copy of the
4 same in hand or mailed, postage paid, at least seven days
5 prior to the day therein named for such meeting, provided,
6 however, that the first meeting of said company shall be legal
7 and binding without prior notice, provided all of the corpo-
8 rators herein named are present in person or by attorney and
9 assent to said meeting on the record thereof.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 5, 1907.

Reported by Mr. WALDRON from Committee on Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*