

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 179

In Senate, Feb. 5, 1913.

*Reported by Senator Cole from Committee on Legal Affairs
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to Incorporate York County Power Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. George F. West, Maynard S. Bird, Frank D.
2 Marshall, all of Portland in the County of Cumberland,
3 and Jere G. Shaw of Biddeford in the County of York, their
4 associates, successors and assigns, are hereby made a body
5 corporate by the name of York County Power Company
6 with all the rights and privileges, and subject to all obliga-
7 tions incident to corporations organized under the general
8 law, except as otherwise provided herein.

Sect. 2. The principal office of said corporation shall be
2 located in the City of Portland in the County of Cumber-

3 land and said corporation may establish other offices and
4 places of business as it shall deem necessary or convenient
5 in the transaction of its business.

Sect. 3. The capital stock of said corporation shall be
2 fixed as the stockholders may from time to time determine,
3 but shall not exceed three million dollars, and shall be di-
4 vided into shares of the par value of one hundred dollars
5 each.

Sect. 4. Said corporation is hereby authorized to manu-
2 facture, generate, sell, distribute and supply gas and electric-
3 ity for light, heat and power or any other purpose within the
4 County of York in the State of Maine, and any person, cor-
5 poration, railroad company, or municipality is hereby au-
6 thorized to contract therefor with said corporation; pro-
7 vided, however, that said York County Power Company
8 shall not make, sell, distribute or supply gas or electricity,
9 or both, in or to any city or town in or to which another
10 person, firm or corporation is legally conducting a gas or
11 electric lighting business, or authorized so to do without the
12 consent of such other person, firm or corporation.

Sect. 5. Said corporation is also hereby authorized to ac-
2 quire by purchase the shares of stock, securities, plants, prop-
3 erty, franchises, rights, privileges and locations of York
4 Light & Heat Company, also of any street railroad corpo-
5 ration or any other corporation engaged in making, selling
6 or supplying gas or electricity, doing business in whole or
7 in part in the County of York or in the counties of Oxford

8 or Cumberland, and said corporations are hereby author-
9 ized to sell and convey as aforesaid and to merge in said
10 York County Power Company, and upon the acquisition of
11 any such rights, property or franchises said York County
12 Power Company shall have, hold, operate, exercise and en-
13 joy the same for its own uses and purposes as though orig-
14 inally and expressly granted to it. But said corporation
15 shall not sell or distribute electricity within the territory now
16 covered by the charter of Clark Power Company without the
17 consent of the latter, nor in the towns of Hebron or Ox-
18 ford, or in the County of Androscoggin.

Sect. 6. Said corporation may acquire by purchase or
2 lease, construct, develop, operate and maintain water powers
3 within this state to generate current necessary to supply the
4 territory wherein this corporation is authorized to do busi-
5 ness under this act, or it may purchase electric current there-
6 from. Subject to the general law regulating the erection
7 and maintenance of poles and wires, said York County
8 Power Company may extend and maintain its transmission
9 lines from any water power plant so owned or operated by
10 it, or with which it has contracted for electric current,
11 through any intervening town to and into the territory in
12 which it is authorized to do business; but the right thereby
13 granted shall not authorize said corporation to engage in
14 the business of supplying electricity in or to any municipality
15 wherein any other person, firm or corporation is engaged in
16 the business, or authorized to engage in the business of mak-

17 ing, selling or distributing gas or electricity without the con-
18 sent of such other person, firm or corporation.

Sect. 7. Whenever any corporation is sold or merged un-
2 der this act said York County Power Company shall pay
3 for all of the stock issued and outstanding in any such cor-
4 poration not owned by it to the holders thereof a just and
5 reasonable value for said stock. In case any such stock-
6 holder fails to agree with said corporation upon such just
7 and reasonable value, the same shall be determined upon
8 petition of such stockholder or of said York County Power
9 Company in the manner provided by Sections 57 to 67 of
10 Chapter 47 of Revised Statutes, and each such stock-
11 holder shall have all the rights, remedies and liens provided
12 in said sections to determine and secure payment for his
13 shares and said York County Power Company shall have
14 all rights and remedies in the premises which the said sold
15 or merged corporation would have under said sections.

Sect. 8. The capital stock of each corporation merged
2 hereunder may be cancelled, but each such corporation may
3 be regarded as existing so far as necessary for the protection
4 of creditors and mortgagees and for the purpose of giving
5 any deeds, assignments or other muniments of title neces-
6 sary or advisable to confirm or complete the title of said
7 York County Power Company in and to the property, rights
8 and franchises acquired or merged, and for such purposes a
9 sufficient number of voting shares of the capital stock of
10 each such merged corporation may be retained and voted

11 by said York County Power Company as outstanding and
12 not cancelled, and a majority of shares of such outstanding
13 stock shall be a quorum to transact business.

Sect. 9. All claims, contracts, rights and causes of action
2 either at law or in equity by or against any corporation ac-
3 quired or merged under this act may be prosecuted or de-
4 fended by said York County Power Company in like manner
5 and effect as if such acquisition or merger had not been
6 made, and all obligations, duties and service imposed by
7 law or contract upon such corporation so sold or merged
8 shall become the duties and obligations of said York County
9 Power Company, and shall be performed by it.

Sect. 10. For the purposes of its business as herein pro-
2 vided said corporation is hereby authorized to set poles, ex-
3 tend wires and lay pipes and to maintain and operate the
4 same upon, along, over and under public ways within the
5 territory wherein it is hereby authorized to do business, un-
6 der such reasonable restrictions as may be imposed by the
7 municipal officers of the respective cities and towns therein,
8 subject to general law regulating the erection of poles and
9 wires and laying of pipes and conduits for the transmission
10 of gas and electricity.

Sect. 11. Said corporation at its own expense, without
2 unnecessary delay, shall remove any and all obstructions in
3 any public way made in erecting or laying its lines, and
4 cause earth disturbed to be properly replaced. It shall not
5 obstruct or impair the use of any public or private drain or

6 gas pipe, sewer, telegraph, telephone or railroad wire, light
7 or power wires, but may cross, or when necessary change
8 the direction of any private wire or pipe, drain, or sewer in
9 such manner as not to obstruct or impair the use thereof,
10 being responsible for any injury occasioned thereby in any
11 action on the case.

Sect. 12. Said corporation may issue its bonds upon such
2 rates and time as it deems expedient, and in such amount
3 as may be required for the objects and purposes authorized
4 by this act, and may secure said bonds, or any bonds given
5 in renewal thereof, by proper mortgages upon any part or
6 all of its franchises and properties. Said corporation is
7 hereby authorized to guarantee the payment of principal
8 and interest, or either, of the bonds or other obligations of
9 other corporations which it may acquire under this act, and
10 vote any stock which it may so acquire.

Sect. 13. Said York County Power Company shall be
2 subject to all duties and restrictions imposed on corporations
3 by Chapter two hundred and forty-four of the Public Laws
4 of 1909 restricting the transmission of electric current be-
5 yond the confines of the state.