

MAINE STATE LEGISLATURE

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SECOND NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 585

In Senate, March 22, 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 the 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, and
3 Jere G. Shaw of Biddeford in the County of York, their
4 associates and assigns, are hereby made a body corporate
5 by the name of York County Power Company, with all the
6 rights and privileges, and subject to all obligations incident
7 to corporations organized under the general law, except as
8 otherwise provided herein.

Sect. 2. The principal office of said corporation shall be

2 located in the City of Portland in the County of Cumberland
3 and said corporation may establish other offices and places
4 of business as it shall deem necessary or convenient in the
5 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, buy, sell, distribute and supply gas and
3 electricity for light, heat and power or any other purpose
4 within the County of York in the State of Maine, and any
5 person, corporation, railroad company, or municipality is
6 hereby authorized to contract therefor with said corporation;
7 provided, 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,
3 property, franchises, rights, privileges and locations of York
4 Light & Heat Company, also of any street railroad corpora-
5 tion or any other corporation engaged in making, selling or
6 supplying electricity, doing business in whole or in part in

7 the Counties of York or Cumberland or in the Towns of
8 Fryeburg, Porter or Hiram in the County of Oxford, and
9 said corporations may sell and convey as aforesaid and
10 merge in said York County Power Company and upon ac-
11 quisition of any such rights, property or franchises said
12 York County Power Company shall have, hold, operate,
13 exercise and enjoy the same as though originally granted to
14 it; but nothing in this act shall authorize said corporation
15 to sell or distribute electricity in said towns, without the
16 consent of the persons, firm or corporation therein respec-
17 tively engaged in or authorized to engage in the business of
18 making, selling, distributing or supplying electricity; nor
19 shall said corporation sell or distribute electricity within the
20 territory now covered by the charter of Clark Power Com-
21 pany without the consent of the latter nor in the Towns of
22 Hebron or Oxford or in the County of Androscoggin.

Sect. 6. Said corporation may acquire by purchase or
2 lease, construct, develop, operate and maintain water pow-
3 ers to generate current necessary to supply the territory
4 wherein this corporation is or may be authorized to do busi-
5 ness under this act. Subject to the general law regulating
6 the erection and maintenance of poles and wires, said York
7 County Power Company may extend and maintain its trans-
8 mission lines from the power plant owned or operated by
9 it, or with which it has contracted for electric current,
10 through any intervening town to and into the territory in
11 which it is authorized to do business.

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

Sect. 8. The capital stock of each corporation merged hereunder may be cancelled, but each such corporation may be regarded as existing so far as necessary for the protection of creditors and mortgagees and for the purpose of giving any deeds, assignments or other muniments of title necessary or advisable to confirm or complete the title of said York County Power Company in and to the property rights and franchises acquired or merged, and for such purposes a sufficient number of voting shares of the capital stock of each such merged corporation may be retained and voted by said York County Power Company as outstanding and not cancelled, and a majority of shares of such outstanding 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 man-
5 ner 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 authorized to do business, under such
6 reasonable restrictions as may be imposed by the municipal
7 officers of the respective cities and towns therein, subject
8 to general law regulating the erection of poles and wires
9 and laying of pipes and conduits for the transmission of gas
10 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 cause
4 earth disturbed to be properly replaced. It shall not ob-
5 struct 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

9 in such manner as not to obstruct or impair the use thereof,
10 being responsible for any injury occasioned thereby in an
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 and
8 interest, or either, of the bonds or other obligations of other
9 corporations which it may acquire under this act, and vote
10 any stock which it may so acquire. All the powers granted
11 in this section shall be exercised subject to the approval of
12 the railroad commissioners or their successors in office.

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