

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 223

First
meeting,
how called.

Section 5. Any one of the incorporators named in this act may call the first meeting of the corporation by mailing a written notice signed by himself, postage paid, to each of the other incorporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting a president, secretary, treasurer and directors may be chosen, by-laws adopted, the present amount of capital stock fixed, and any other corporate business transacted.

Approved April 4, 1913.

Chapter 223.

An Act to Incorporate the Winthrop Water District.

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

Territorial
limits.

Section 1. The following territory and the people within the same, namely: that part of the town of Winthrop in the county of Kennebec, beginning on the westerly shore of Lake Annabessacook, at the southerly corner of pasture land of Eliza Stanley and Allura Stanley; thence running westerly along the southerly line of land of said Stanleys to Western avenue, so called; thence across said Western avenue to other land of said Stanleys; thence running along the southerly and westerly lines of land of the said Stanleys, along the southerly and westerly line of land of James Smith, southerly and the westerly line of land formerly of the late Levi Jones and the westerly line of land formerly of the late A. P. Snow, now of George Parsons, to High street; thence running northerly across said High street along the easterly line of land of John H. McIlroy, formerly of William N. White to land of E. W. Wentworth; thence along the south, west and north lines of land of said Wentworth to the Readfield Corner road, so called; thence across said Readfield road and running southerly along its easterly line to the southwest corner of land of E. W. Moody; thence easterly along the southerly line of land of said Moody to Lake Marana-cook; thence running southerly, easterly and northerly along the shore of said lake to the fence upon land of Luella F. Beale, near the car barn, so called; thence running easterly along the north line of lands of said Beale, of Alec Bissonnette, of J. G. Yeaton, of R. B. Richardson and heirs of the late K. R. Linnell to the "Old Stage road" so called; thence across said road along its easterly side to land of R. L. and J. F. Hinds, trustees; thence running easterly and southerly along the northerly and easterly lines of land of the said Hinds to the Augusta road, so called; thence along the northerly side of said Augusta road running in a westerly direction to a point opposite the northerly corner of land of William C. Hinds, formerly of the late Calvin

Bragdon; thence running southerly and easterly along the easterly and northerly lines of land of said Hinds to the Narrows pond, so called; thence running southerly along the westerly shore of said Narrows pond to land of Ruth Woodman; thence running westerly along the northerly line of lands of said Woodman, of A. V. Towns to Highland avenue, so called; thence running westerly across said avenue and along the northerly line of land of said towns to Lake Annabessacook; thence running northerly, westerly and southerly along the shore of said Lake Annabessacook to the point begun at, shall constitute a body politic and corporate under the name of the Winthrop Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, commercial and municipal purposes.

—corporate name.
—purposes.

Section 2. The said district, for the purpose of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from Narrows pond, so called, in said Winthrop and from Lake Maranacook, in the towns of Winthrop and Readfield, either or both, and from any surface or underground brooks, and springs in said Winthrop.

Authorized sources of water supply.

Section 3. The said district, for the purpose of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

May take and hold lands or water rights.

Section 4. The said district is hereby authorized to lay in and through the streets, roads, ways and highways of the said town of Winthrop and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, roadway or highway it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

May lay pipes, etc.

Section 5. The said district is hereby authorized, for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes.

—shall not unnecessarily obstruct public travel.

May erect and maintain dams, etc.

CHAP. 223

Shall file location of lands to be taken.

—new description may be filed.

—entry on lands for surveys.

Damages, how assessed.

—subsequent proceedings.

Manner and place of crossing a railroad, how determined.

Board of trustees.

Section 6. In exercising any right of eminent domain conferred upon it by law, from time to time, or any right of eminent domain through or under the franchise of the water companies by it acquired, the said district shall file in the office of the county commissioners of the county where such lands or water rights are situated and record in the registry of deeds in said county, plans of the location of all lands or interest therein or water rights, to be taken, with an appropriate description and the name of the owners thereof, if known. When for any reason the district fails to acquire the property authorized to be taken, and which is described in such location, or the location recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof, and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until ten days shall have elapsed after the date of such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

Section 7. If any person sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county where said lands or water rights are situated, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restriction, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

Section 8. In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said district, the railroad commissioners, or in case that at that time there is no board of railroad commissioners, then such officials as by law succeed to the general duties now exercised by said railroad commissioners, shall determine the place, manner and condition of such crossing; and all work within the limits of such railroad location shall be done under the supervision and to the reasonable satisfaction of such railroad company, but at the expense of the district.

Section 9. All the affairs of said water district shall be managed by a board of trustees composed of three members, all of

whom shall be residents of said district. They shall be appointed by the municipal officers of the town of Winthrop. As soon as convenient after the members of said board have been so chosen, said trustees shall hold a meeting and organize by the election of a president and clerk, adopt a corporate seal and when in their judgment necessary, may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for two years and one for three years, and whenever the term of office of a trustee expires his successor shall be appointed by the municipal officers of said town of Winthrop to serve for the full term of three years, and in case any other vacancy arises it shall be filled in like manner for the unexpired term. All such trustees shall be eligible to re-appointment, but no selectman of said town of Winthrop shall at any time be eligible to such office; said trustees may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. The term of office of said trustees first chosen shall be considered to date from the first Monday of April in the year one thousand nine hundred and thirteen; said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services an allowance of one hundred dollars per annum, or such other less sum as the said water district at any legal meeting may prescribe. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, its financial and physical condition, and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust, such reports to be made and filed with the municipal officers of the town of Winthrop.

Section 10. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plants, properties, franchises, rights and privileges of the Hillside Water Company and also of the Winthrop Water and Drainage Company, except their cash assets, and also the entire plant, franchises, rights and privileges of Charles H. Gale, so far as the same pertain to his water system and plant in Winthrop Village, including all lands, waters, water rights, dams, structures, reservoirs, pipes,

CHAP. 223

—trustees, how appointed.

—organization of board of trustees.

—terms of office of trustees.

selectmen not eligible.

—compensation of trustees.

—trustees shall make annual report.

Water district empowered to acquire certain other similar plants.

CHAP. 223

machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said water companies and by said Gale and used or usable in supplying water in the town of Winthrop, together with all real estate so used or usable. Said water companies are hereby authorized to sell and transfer their respective franchises and properties to said water district. Said water district is authorized to construct, install, operate and maintain, in connection with its said water system, a sewerage system and plant with all its appurtenances thereto, throughout its entire territory and the discharge from the pipes and conduits thereof may be into the waters below the mill stream, so called.

Proceedings if parties do not agree as to price.

Section 11. In case the said trustees fail to agree with the aforesaid companies, to wit: the said Hillside Water Company and the Winthrop Water and Drainage Company and the said Charles H. Gale, any or all of them, upon terms of purchase, on or before September fifteenth, nineteen hundred and thirteen, then said water district, through its trustees, is hereby authorized to take the plants, properties and franchises of the aforesaid companies and of the said Gale, as authorized in section ten as for public uses, by petition therefor in the manner as provided hereinafter wherein such companies and the said Gale shall be the parties defendant. And said water district, through its trustees, is hereby authorized on or before November fifteenth, nineteen hundred and thirteen, to file a petition in the clerk's office of the supreme judicial court for the county of Kennebec, in term time or in vacation, addressed to any justice thereof, who, after notice to said defendant companies and the said Gale and their mortgagees, if any there may be, shall, after hearing and within thirty days after the filing of said petition appoint three disinterested appraisers, none of whom shall be residents of the county of Kennebec, one at least of whom shall be learned in the law, for the purpose of fixing the valuation of the plants, franchises, and properties of said defendant companies and of said Gale as described in section ten. Said petition shall not be dismissed after filing but may be and shall be amended in any manner to enable the court to make all necessary decrees thereon. At the hearing aforesaid, such justice, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, of all books and papers pertinent to the issue to be heard by said appraisers, the terms and conditions of so producing and filing such books and papers to be determined by said justice in his order therefor and to be enforced from time to time as any justice of said supreme judicial court, in term time or in vacation, upon motion of any

—petition shall be filed.

—appraisers shall be appointed.

—petition may be amended.

—books and papers may be ordered filed.

party to said cause, may deem reasonable and proper in the premises. At such hearing, such justice, upon motion of the petitioner, may fix a time at which the said defendant companies and the said Gale shall file in the clerk's office of the supreme judicial court for the county of Kennebec, for the inspection of the petitioner, the following: First, schedules showing the names, residence and water service of each customer on September fifteenth, nineteen hundred and thirteen, with the rate charged therefor; second, copies of all contracts in force on said September fifteenth; third, an itemized statement of the gross income earned during its last fiscal year and all operating expenses and fixed charges paid or incurred during such year and properly chargeable thereto; fourth, a memorandum of all real estate, or interest therein, owned or controlled on said September fifteenth, with such brief description thereof, as will reasonably identify the same; fifth, a memorandum of all water rights used or owned on said September fifteenth with a brief description thereof and a concise statement of the method of acquiring the same; sixth, a description of all buildings and structures owned in whole or in part on said September fifteenth which are a part of the plants of said defendants; seventh, descriptions of all reservoirs owned on said September fifteenth; eighth, a description of all pipes, service pipes, hydrants, gates, gate boxes, shut-off boxes, fixtures and machinery, and all the physical elements in such water system, giving in detail all quantities, sizes and lengths and specifying the streets, roads or ways where situated; ninth, an itemized list of tools, appliances and apparatus used or usable in supplying water on said September fifteenth. Such orders may be enforced from time to time by any justice of said supreme judicial court in term time or in vacation, upon motion of either party, as such justice may deem reasonable and proper in the premises. At such hearing the justice then sitting may, upon motion of the petitioner, make all such decrees as he deems reasonable and proper to enable the petitioner, through its servants and employees, to ascertain the condition of the mains and pipes of the said defendants named in section ten, externally and internally, all work connected therewith to be in the presence of the agents of the said defendants, but wholly at the expense of said water district, said decree to fix the number of such examinations and to impose such conditions as may to the court seem just and proper in the premises. The said appraisers shall have the power of compelling attendance of witnesses and the production of books and papers pertinent to the issue and may administer oaths; and any witness or person in charge of such books or

CHAP. 223

—defendants may be ordered to file schedules.

—first: names of customers.

—second: copies of contracts.

—third: statement of gross income.

—fourth: memorandum of all real estate owned.

—fifth: memorandum of water rights.

—sixth: description of buildings owned.

—seventh: description of reservoirs.

—eighth: description of pipes, etc.

—ninth: list of tools, etc.

—justice may make decrees for examination of pipes, etc.

—appraisers may compel attendance of witnesses.

CHAP. 223

papers refusing to attend or to produce the same shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. Depositions may be taken as in civil actions. The said appraisers may appoint a sufficient number of stenographers to enable a full report of the proceedings of each day to be in readiness for use the following day, each of said appraisers to so have one copy thereof, and the parties to receive such number of copies as the appraisers may deem necessary. The compensation and expenses of said stenographers shall be taxed and allowed by the appraisers and be paid and borne as hereinafter provided. Their reports, certified by said appraisers as correct, shall be filed with the award to be made by said appraisers and shall be legal evidence of all proceedings so reported. They shall make full report as required in trials had in the supreme judicial court. The appraisers so appointed shall, after due notice and hearing, fix the valuation of the plants, properties and franchises of said defendant companies and of said Gale at what they are fairly and equitably worth, so that said defendant companies and the said Charles H. Gale shall receive just compensation for the same. The fifteenth day of November, nineteen hundred and thirteen, shall be the date as of which the valuation aforesaid shall be fixed, from which date interest on said award at the rate of six per centum per annum shall run and all net rents and profits accruing thereafter shall belong to said water district. The report of said appraisers or of a majority of them shall be filed in said clerk's office within six months after their appointment, but, if at the expiration of said six months the hearing before said appraisers should then be in progress and unfinished their report may be so filed within thirty days after the close of said hearing. After said report is filed, such single justice, so appointing said appraisers, or in case of his inability to act, then any justice designated for the purpose by the chief justice, may, after notice and hearing, confirm or reject the same or recommit, if justice so requires, and in case of such rejection or recommitment such justice may fix the times for new hearings and new report thereon. The award of the appraisers shall be conclusive as to valuations. Upon confirmation of their report, the court so sitting, in term time or in vacation, shall thereupon, after hearing, make final decree upon the whole matter, including the transfer of the properties and franchises, jurisdiction over which is hereby conferred with the same power to enforce said decree as in equity cases. All the costs and expenses arising under said petition and appraisal shall be paid and borne as directed by the court in said final de-

—depositions may be taken.

—stenographers may be employed.

—compensation of stenographers shall be fixed by appraisers.

—appraisers shall fix value of plants of defendants.

—report of appraisers shall be filed.

—justice of court may reject report.

after confirmation of report, court shall make final decree.

—costs and expenses, how borne,

cree. The findings of such justice as to such costs and expenses and their apportionment shall be final. In all other matters the justice so making such final decree, shall, upon request of any of the parties, make separate findings of law and fact. All such findings of fact shall be final, but any party aggrieved may take exceptions to any rulings of law so made, the same to be accompanied by only such parts of the case as are necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the law court to be held after the filing of such exceptions and there heard unless otherwise agreed, or the law court shall for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below or remand the cause for further proceedings, as to it seems proper. During the pendency of such exceptions the cause shall remain on the docket of the court below, marked "law" and decree shall be entered thereon by a single justice, in term time or in vacation, in accordance with the certificate and opinion of the law court. Before the aforesaid plants, properties and franchises are transferred in accordance with such final decree, and before the payment therefor, the court sitting in said county of Kennebec, by a single justice thereof, as hereinbefore provided, shall, upon motion of any party, after notice and hearing, take account of all receipts and expenditures properly had and incurred by said water companies and by said Gale belonging to the period from and after November fifteenth, nineteen hundred and thirteen, and all net rents and profits accruing thereafter, and shall order the net balance due to any party to be added to or deducted from the amount to be paid under such final decree, as the case may be. All findings of law or fact by such single justice at such hearings shall be final. The amount to be paid for the plant of each of the aforesaid water companies and of said Gale shall be paid to the trustee of the mortgages of each respective company, if any there may be. On payment or tender by its certified check drawn upon a reliable trust company or national bank by said water district of the amount so fixed and the performance of all other terms and conditions so imposed by the court, the entire plants, properties and franchises of said defendant companies

—party aggrieved may take exceptions to rulings of law.

—exceptions, how claimed, made up, etc.

—when exceptions shall be entered.

—further proceedings.

—payment for plants, to whom made.

CHAP. 223

and of said Gale as described in section ten shall become vested in said water district. After the filing of said petition it shall not be discontinued or withdrawn by said water district, and the said water companies may thereafter cause said valuation to be made as herein provided, and shall be entitled to appropriate process to compel said water district to perform the terms of the final decree and to pay for said plants, properties and franchises in accordance therewith. If a vacancy occurs at any time in said board of appraisers, from any cause, any justice of the supreme judicial court, sitting in said county of Kennebec, may, in term time or in vacation, after notice and hearing, appoint a new appraiser or appraisers and make all such orders for hearing said cause by the appraisers anew or for any extension of time for making their award, or otherwise, as the circumstances of the case may require.

—vacancy
in board of
appraisers,
how filled.

Valid con-
tracts of de-
fendants to
be assumed
by water
district.

Section 12. All valid contracts, made in good faith, existing on the fifth day of February, nineteen hundred and thirteen, between said defendant companies and said Gale and any person or corporation for supplying water within the said town of Winthrop shall be assumed and carried out by said water district.

Water dis-
trict may
borrow
money tem-
porarily.

Section 13. For accomplishing the purposes of this act, said water district, through its trustees, is authorized to borrow money temporarily and to issue therefor the interest-bearing negotiable notes of the district, and for the purpose of paying or refunding the indebtedness so created, of paying any necessary expenses or liabilities, incurred under the provisions of this act, including the expenses incurred in the creation of the district, in acquiring the plants, properties and franchises of said Hillside Water Company, of the Winthrop Water and Drainage Company and of said Charles H. Gale, by purchase or otherwise, or in the purchase or acquisition of the properties and franchises of said defendant companies and of said Gale, of securing sources of supply, taking water and lands, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making renewals, extensions, additions and improvements to the same, the said water district, through its trustees, may from time to time issue bonds of the district to an amount or amounts necessary in the judgment of the trustees aforesaid. Said notes and bonds shall be legal obligations of the water district, which is hereby declared to be a quasi municipal corporation within the meaning of section ninety-six, chapter forty-seven of the revised statutes, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

—water
district
may issue
bonds.

Section 14. The property of said district shall be exempt from all taxation in the town of Winthrop and in any other towns where any part of its plant may be located.

Property of district exempt from taxation.

Section 15. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district. Said rates shall be so established as to provide revenue for the following purposes :

Uniform water rates shall be paid.

I. To pay the current expenses for operating and maintaining the water system.

To pay expenses.

II. To provide for the payment of the interest on the indebtedness created by the district.

To pay interest.

III. To provide each year a sum equal to not less than one-half of one per centum nor more than five percentum of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

To provide a sinking fund.

IV. If in any year there remain a surplus at the end of the year, the amount of such surplus shall be deducted from the hydrant rental paid to the district by the town of Winthrop, and if in any year there be a deficit, the water district may raise by assessment such sum of money as may be necessary and sufficient to liquidate such deficit, but this sub-section is not to be construed as negating the effect of sub-section three hereof. Any money raised by said water district for the purpose aforesaid, shall be assessed upon the property and polls within the aforesaid territory constituting said water district, by the trustees of said district, in the same manner as is provided by law for the assessment of county and town taxes ; and said trustees may copy the last valuation of said property by the assessors of the town of Winthrop, and assess the taxes thereon if said water district so direct, and may abate any tax by them so assessed, and the tax on polls shall not exceed, at any one assessment, the sum of one dollar to any one person in any one year.

Surplus, how to be disposed of.

—assessments, how raised.

Section 16. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the public municipal corporation hereby created.

Incidental rights granted.

Section 17. This act shall take effect when approved by a majority vote of the legal voters of the town of Winthrop residing within said water district voting by ballot at an election

This act to take effect when approved by voters.

CHAP. 223

to be specially called and held for the purpose on the fourth Saturday of August, nineteen hundred and thirteen, unless said town of Winthrop is authorized by a special act of the legislature at its present session to install in similar manner a system of water works in said Winthrop and the same is approved and accepted by the voters of said town of Winthrop, on or before the third Saturday of August, nineteen hundred thirteen, in which event this act shall become null and void, nothing hereinbefore or hereinafter to the contrary notwithstanding. Such election shall be called, warned and conducted according to the law relating to municipal elections in said town, provided, however, that the selectmen of said town shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose of registration of voters said selectmen shall be in session the secular day next preceding such special election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Winthrop Water District be accepted?" and the voters shall indicate by a cross placed upon their ballots over the words "yes" or "no" their opinion of the same. The result shall be declared by the selectmen and due certificate thereof filed by the town clerk with the secretary of state. In case this act is not approved by a majority vote of the legal voters of said Winthrop Water District at its first meeting on said fourth Saturday of August, nineteen hundred and thirteen, it may be approved at any subsequent meeting of the legal voters of said district held not later than the first Saturday of October, nineteen hundred and thirteen, by a majority vote of said voters, said subsequent meeting or meetings to be called, advertised and conducted in the same manner as the meeting held on the fourth Saturday of August, nineteen hundred and thirteen, provided, however, that any meeting or meetings held subsequent to said fourth Saturday of August shall be called only by the selectmen of said Winthrop upon petition therefor signed by at least twenty legal voters of said district.

—form of question, to be submitted.

—result of election shall be filed.

—act may be approved at a subsequent meeting.

Sections 2, 3, 4, 5, 6, 7 and 8 inoperative in certain cases.

Section 18. Sections two, three, four, five, six, seven and eight of this act shall be inoperative, null and void unless the said water district shall acquire by purchase or shall first file in the office of the clerk of the supreme judicial court for the county of Kennebec the petition mentioned in section eleven hereof for the exercise of the right of eminent domain, as in this act provided, with a bona fide intent to acquire the plants, properties and franchises of said Hillside Water Company, of said Winthrop Water and Drainage Company and of said Charles H. Gale.

Section 19. Subject to the conditions, limitations and exceptions hereinbefore provided, this act shall take effect in ninety days after the final adjournment of the legislature so far as necessary to empower the calling and holding of the elections authorized in section seventeen herein provided for.

Approved April 4, 1913.

CHAP. 224

When this act subject to limitations, will take effect.

Chapter 224.

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. Marshall, all of Portland in the county of Cumberland, and Jere G. Shaw of Biddeford in the county of York, their associates and assigns, are hereby made a body corporate by the name of the York County Power Company with all the rights and privileges, and subject to all obligations incident to corporations organized under the general law, except as otherwise provided herein.

Corporators.

—corporate name.

Section 2. The principal office of said corporation shall be located in the city of Portland in the county of Cumberland, and said corporation may establish other offices and places of business as it shall deem necessary or convenient in the transaction of its business.

Principal office shall be at Portland.

Section 3. The capital stock of said corporation shall be fixed as the stockholders may from time to time determine, but shall not exceed three million dollars, and shall be divided into shares of the par value of one hundred dollars each.

Capital stock.

Section 4. Said corporation is hereby authorized to manufacture, generate, buy, sell, distribute and supply gas and electricity for light, heat and power or any other purpose within the county of York in the state of Maine, and any person, corporation, railroad company, or municipality is hereby authorized to contract therefor with said corporation; provided, however, that said York County Power Company shall not make, sell, distribute or supply gas or electricity, or both, in or to any city or town in or to which another person, firm or corporation is legally conducting a gas or electric lighting business, or authorized so to do without the consent of such other person, firm or corporation.

Corporation may generate and supply gas and electricity.

—exception.

Section 5. Said corporation is also hereby authorized to acquire by purchase the shares of stock, securities, plants, property, franchises, rights, privileges and locations of York Light and Heat Company, also of any street railroad corporation or

May acquire other similar plants, etc.