

MAINE STATE LEGISLATURE

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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

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.

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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.

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any other corporation engaged in making, selling or supplying electricity, doing business, in whole or in part, in the counties of York or Cumberland or in the towns of Fryeburg, Porter or Hiram in the county of Oxford, and said corporations may sell and convey as aforesaid and merge in said York County Power Company and upon acquisition of any such rights, property or franchises said York County Power Company shall have, hold, operate, exercise and enjoy the same as though originally granted to it; but nothing in this act shall authorize said corporation to sell or distribute electricity in said towns, without the consent of the persons, firm or corporation therein respectively engaged in or authorized to engage in the business of making, selling, distributing or supplying electricity; nor shall said corporation sell or distribute electricity within the territory now covered by the charter of Clark Power Company without the consent of the latter nor in the towns of Hebron or Oxford or in the county of Androscoggin.

—may merge in York County Power Company.

—exceptions

Corporation may acquire water power.

—York County Power Company may extend wires, etc.

York County Power Co. shall pay reasonable value for stock acquired.

—value of stock, how determined.

Capital stock of merged corporations may be cancelled.

Section 6. Said corporation may acquire by purchase or lease, construct, develop, operate and maintain water powers to generate current necessary to supply the territory wherein this corporation is or may be authorized to do business under this act. Subject to the general law regulating the erection and maintenance of poles and wires, said York County Power Company may extend and maintain its transmission lines from the power plant owned or operated by it, or with which it has contracted for electric current, through any intervening town to and into the territory in which it is authorized to do business.

Section 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 fifty-seven to sixty-seven of chapter forty-seven 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.

Section 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.

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—exceptions.

Section 9. All claims, contracts, rights and causes of action, either at law or in equity by or against any corporation acquired or merged under this act may be prosecuted or defended by said York County Power Company in like manner and effect as if such acquisition or merger had not been made, and all obligations, duties and service imposed by law or contract upon such corporation so sold or merged shall become the duties and obligations of said York County Power Company, and shall be performed by it.

Claims, etc., how prosecuted and defended.

Section 10. For the purposes of its business as herein provided said corporation is hereby authorized to set poles, extend wires and lay pipes and to maintain and operate the same upon, along, over and under public ways within the territory wherein it is authorized to do business, under such reasonable restrictions as may be imposed by the municipal officers of the respective cities and towns therein, subject to general law regulating the erection of poles and wires and laying of pipes and conduits for the transmission of gas and electricity.

Corporation may extend wires, etc.

Section 11. Said corporation at its own expense, without unnecessary delay, shall remove any and all obstructions in any public way made in erecting or laying its lines, and cause earth disturbed to be properly replaced. It shall not obstruct or impair the use of any public or private drain or gas pipe, sewer, telegraph, telephone or railroad wire, light or power wires, but may cross, or when necessary change the direction of any private wire or pipe, drain, or sewer in such manner as not to obstruct or impair the use thereof, being responsible for any injury occasioned thereby in an action on the case.

Shall not permanently obstruct highways.

—shall not impair sewers, etc.

Section 12. Said corporation may issue its bonds upon such rates and time as it deems expedient, and in such amount as may be required for the objects and purposes authorized by this act, and may secure said bonds, or any bonds given in renewal thereof, by proper mortgages upon any part or all of

May issue bonds.

CHAP. 225 its franchises and properties. Said corporation is hereby authorized to guarantee the payment of principal and interest, or either, of the bonds or other obligations of other corporations which it may acquire under this act, and vote any stock which it may so acquire. All the powers granted in this section shall be exercised subject to the approval of the railroad commissioners or their successors in office.

Duties and restrictions of York County Power Company.

Section 13. Said York County Power Company shall be subject to all duties and restrictions imposed on corporations by chapter two hundred and forty-four of the public laws of nineteen hundred nine, restricting the transmission of electric current beyond the confines of the state.

Approved April 4, 1913.

Chapter 225.

An Act Relating to the Portland Gas Light Company.

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

Franchises extended for seven years.

Section 1. The franchises, rights and privileges of the Portland Gas Light Company heretofore granted to said company by its charter and acts amendatory thereof and additional thereto, are hereby extended for a term of seven years beyond the period of limitation now fixed by law, subject, however, to the right of the city of Portland to take over and own the same as provided in the following section, and provided further, that if said city shall exercise its right to take over and own the same as provided in the following section, the seven year extension of the franchises of said company herein granted shall not be reckoned as an item of value in the appraisal of said company's property to be made as hereinafter provided and nothing shall be allowed or paid for said seven year extension herein granted.

—city of Portland may take over franchises.

—proviso.

City of Portland given right to take over plant, etc.

Section 2. The city of Portland shall have the right on January first, nineteen hundred twenty-three, or at the expiration of each five-year period thereafter, upon vote of its city council to that effect, to take possession of, own and operate the entire plant, property, franchises, rights and privileges held and owned by said Portland Gas Light Company; upon payment therefor of the amount which said plant, property, franchises, rights and privileges shall fairly and equitably be worth.

Proceedings for possession and ownership by city of Portland.

In order to carry out the purposes of possession and ownership aforesaid, said council shall at least one year before said January first, nineteen hundred and twenty-three, or at least one year before the expiration of any such five-year period,