

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
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1892.

Sixty-Fifth Legislature.

SENATE.

No. 201.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

AN ACT to incorporate the Pittsfield Water and Electric
Company.

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

SECTION 1. James F. Connor, H. Pushor, Isaac H. Lan-
2 ce, C. E. Vickery, William R. Hunnewell, N. L. Perkins,
3 E. C. Bryant, H. F. Libby, Orin S. Haskell, Benjamin
4 Thompson, Oramel Murray, J. C. Connor, A. H. Corn-
5 forth, David M. Parks, T. N. Drake, J. W. Manson,
6 Charles Baker, their associates and successors, are hereby
7 made a corporation by the name of the Pittsfield Water
8 and Electric Company, for the purpose of furnishing the
9 inhabitants of the town of Pittsfield a supply of water for

10 domestic, sanitary and municipal purposes, and also for
11 the extinguishment of fires, and for other public uses, and
12 also electricity for light, heat and power; with all the
13 rights, privileges, immunities, duties and obligations
14 incident to similar corporations.

SECT. 2. The capital stock of said corporation shall not
2 exceed one hundred thousand dollars; it may acquire and
3 hold real and personal estate necessary and convenient for
4 the purposes aforesaid; and it may issue its bonds and
5 other obligations, secured by a mortgage on its franchise
6 and other property, to carry out the purposes for which it
7 is created.

SECT. 3. Said corporation may take and hold by pur-
2 chase, or may take as for public uses, any real estate or
3 easement therein, including the water of any pond, rivers,
4 streams, springs, or artesian wells, necessary for obtain-
5 ing a sufficient supply of water, for the construction of
6 reservoirs, and for its gates, hydrants, stations, and other
7 structures, and for laying its pipes; and may erect and
8 maintain all necessary dams, reservoirs, stand-pipes and
9 hydrants, or other structures; it may lay its pipes through
10 the lands of other persons and corporations, and under
11 such reasonable restrictions and regulations as the select-
12 men of said town may prescribe, along and in the streets
13 and ways of said town; and it may lay and maintain its
14 pipes under any railroad, water course or private way,
15 and across any drain or sewer, or pipe of any kind, pro-
16 vided, that in the matter of crossing pipes, it shall at its
17 own expense, and within reasonable time, replace, repair
18 and cover all such pipes as may be injured or disturbed
19 during the construction and repair of its works; and it

20 may enter upon, pass over, and dig up any real estate,
21 railroad, street or way, for the purpose of laying pipes or
22 erecting hydrants or other fixtures, and maintaining and
23 repairing the same; and it may do any other act or thing
24 necessary, convenient and proper to carry out the pur-
25 poses of its incorporation.

SECT. 4. Said corporation shall file in the registry of
2 deeds for Somerset county a certificate containing a
3 description of the land or water rights taken under this
4 act, or in which an easement is taken, under the provis-
5 ions of this act, and a statement of the purposes for which
6 it is taken will be recorded by the register, and such land,
7 right or easement shall be deemed to be taken on the fil-
8 ing of such certificate; but this section shall not apply to
9 the service pipes leading from the main pipe for the pur-
10 pose of distributing the water.

SECT. 5. Said corporation shall pay all damages sustained
2 by any person or corporation, by the taking of any land,
3 right of way, water, water source, water right or ease-
4 ment, or by the erection of any dam, or by any other
5 thing done by said corporation under the authority of this
6 act. Any person or corporation sustaining damages as
7 aforesaid, may have the same determined in the manner
8 provided by law for the assessment of damages for lands
9 taken for railroads, upon application at any time within
10 three years from the taking of such land or other prop-
11 erty, or the doing of other injury under the authority of
12 this act; but if no application is made within three years
13 as aforesaid, the party claiming to have suffered damages
14 shall be deemed to have waived his claim therefor.

SECT. 6. Said corporation may distribute water through
2 said town of Pittsfield and its vicinity ; may regulate the
3 use of said water, and fix and collect water rates to be
4 paid for the same ; and said corporation shall be bound to
5 furnish at reasonable rates as aforesaid, water to the in-
6 habitants of said town for said uses within a reasonable
7 distance from its main pipes, and to said town in its cor-
8 porate capacity for public uses.

Said town is hereby authorized to contract with said cor-
10 poration for water and light for public uses, on such terms
11 and for such time as the parties may agree, including the
12 remission of taxes upon the real estate, fixtures and plant
13 of said corporation, and may raise money therefor in the
14 same manner as for other town charges.

SECT. 7. Any person who shall wilfully and maliciously
2 corrupt the waters of any of the sources of supply, or
3 reservoirs of said corporation, or who shall leave or throw
4 any offensive matter or materials upon them when frozen
5 over, or who shall wilfully injure any dam, reservoir,
6 conduit, pipe, hydrant, engine, water-wheel, or any other
7 property, held, owned or used by said corporation for the
8 purposes of this act, shall pay three times the amount of
9 damages to said corporation, to be recovered in any proper
10 action ; and any person convicted of any of said acts
11 aforesaid, shall be punished by a fine not exceeding one
12 hundred dollars, and by imprisonment not exceeding one
13 year.

SECT. 8. Said company shall have power to cross any
2 water course, private or public sewer, or to change the
3 direction thereof, when necessary, but in such manner as
4 not to obstruct or impair the use thereof.

SECT. 9. Said company shall in all cases be liable to
2 pay to said town all sums recovered against it for damages
3 by reason of any defect in any highway, way or street
4 therein, occasioned by any fault or neglect of said com-
5 pany, together with reasonable counsel fees and costs
6 incurred in defending such suits with interest on the same ;
7 provided, said company shall have notice of any suit
8 wherein such damages are claimed and shall be allowed to
9 defend the same at its own expense.

SECT. 10. The said company is authorized to erect and
2 maintain all such posts, wires, buildings, engines, electri-
3 cal machinery, and other structures as may be necessary
4 for the objects of its incorporation. It shall be the duty
5 of the selectmen of said town to designate the places where
6 said posts shall be located and the height at which said
7 wires shall run, in accordance with the provisions of the
8 general law. It shall be the duty of said corporation,
9 after it shall begin the business of furnishing light, to
10 furnish light to all persons and corporations within reason-
11 able limits of its station and at reasonable rates.

SECT. 11. The said company may, if its stockholders so
2 vote, first erect and operate its water works, and any failure
3 to erect and operate a plant to furnish light by electricity
4 shall not work a forfeiture of the franchise hereby granted.

SECT. 12. The first meeting of said company may be
2 called by a written notice thereof signed by any two of the
3 coporators served upon each coporator by copy in hand,
4 or sent by mail, seven days before the time of meeting.

SECT. 13. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 14, 1891.

Reported by Mr. WALTON, from Committee on the Judiciary, and on motion by same senator, laid on table to be printed.

KENDALL M. DUNBAR, *Secretary.*