

MAINE STATE LEGISLATURE

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EXHIBIT "C."

Sixty-Seventh Legislature.

SENATE.

No. 5.

STATE OF MAINE.

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

AN ACT to provide for the Incorporation and Regulation
of Water Supply Companies.

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

SECTION 1. Whenever three or more persons shall have
2 associated themselves together by written articles of
3 agreement for the purpose of forming a corporation to
4 supply any city or town, or any two or more adjoining
5 cities or towns, within this state, and the inhabitants
6 thereof, with pure and wholesome water for domestic,

7 sanitary and municipal purposes, they shall present to the
8 municipal officers of the city or town, or cities or towns,
9 to which they propose to supply water, an application by
10 them signed, reciting their written articles of agreement,
11 and setting forth their purpose to form a corporation for
12 the purposes therein stated, the proposed capital stock
13 thereof and the source, or sources, from which water is
14 intended to be supplied, and shall request the municipal
15 officers to whom the same is presented to consent thereto,
16 whereupon such municipal officers shall appoint a place
17 and time for a hearing thereon, and cause the applicants
18 to give public notice thereof by publication in some news-
19 paper published or printed in said city or town, if any,
20 at least fourteen days before said hearing; if no newspaper
21 is published or printed in said town or city, then by post-
22 ing such notice in two or more public and conspicuous
23 places therein at least fourteen days before said hearing.
24 At such hearing any resident or property owner in said city
25 or town, and all other persons interested, may appear and
26 shall be given an opportunity to be heard; and such
27 municipal officers shall hear and decide upon such appli-
28 cation, and when their decision shall be made, they shall
29 sign a certificate thereof and immediately deliver or trans-
30 mit the same to the applicants, or to some one of them.

SECT. 2. If such application shall be granted, in whole
2 or in part, the applicants shall cause the certificate of the
3 municipal officers to be recorded in the registry of deeds
4 of the county in which the city or town by whose municipi-

5 pal officers the same was granted is situated; and the
6 applicants may then organize into a corporation under the
7 provisions of sections, sixteen, seventeen, eighteen, nine-
8 teen and twenty of chapter forty-eight of the Revised
9 Statutes of this state and acts amendatory thereof and
10 additional thereto, and all provisions of said chapter and
11 acts are hereby made applicable to such corporations.
12 The certificate provided by said section eighteen to be
13 prepared and filed in the secretary of state's office shall
14 specify, in addition to the statements required by said sec-
15 tion, the town or city, or the adjoining towns and cities,
16 which said corporation proposes to supply with water, and
17 the source, or sources, from which water is intended to
18 be supplied.

SECT. 3. Whenever the source or sources for obtaining
2 a supply of water named in its application to the municipi-
3 pal officers and in the certificate filed in the office of the
4 secretary of state, shall prove insufficient, or the waters
5 thereof unfit for domestic use, any such corporation may
6 be authorized to obtain its supply of water from any other
7 source or sources by obtaining, in the manner hereinbe-
8 fore provided, the consent thereto of the municipal offi-
9 cers of the town or city, or towns or cities, to which it is
10 authorized to supply water, and filing in the office of the
11 secretary of state a certificate of the proposed change of
12 source and of the consent of the municipal officers thereto.

SECT. 4. Every corporation incorporated under the
2 provisions of this act may take and hold by purchase, or

3 may take for public uses, any real estate or easement
4 therein, including the water of any ponds, streams,
5 springs or artesian wells which may be named in its cer-
6 tificate of incorporation as sources of supply of water,
7 necessary for obtaining a sufficient supply of water for its
8 purposes, and for the construction and maintenance of
9 necessary reservoirs and for laying and maintaining its
10 mains and pipes; and may erect and maintain all neces-
11 sary dams, cribs, aqueducts, reservoirs, standpipes,
12 hydrants and other necessary structures; and may lay
13 and maintain its mains and pipes along, across and under
14 the streets and ways of any city and town to which it shall
15 be authorized to supply water, under such restrictions
16 and regulations as the municipal officers of such city or
17 town may prescribe; and may lay and maintain its mains
18 and pipes under or across any railroad, watercourse, pub-
19 lic or private drain or sewer and any pipes for the distri-
20 bution of gas, but shall do so in such manner as not to
21 obstruct or impair the use thereof, and shall be liable for
22 any injury or damage caused thereby; and shall dig into
23 and open such streets and ways for the construction and
24 maintenance of its mains, pipes and hydrants in such a
25 manner as to discommode public travel as little as pos-
26 sible, and shall replace and put such streets and ways
27 into as good repair as they were before they were dug
28 into and opened, and for any failure so to do within a
29 reasonable time shall be deemed guilty of nuisance. Pro-
30 vided, however, that no such company shall be author-

31 ized to take water from any source from which any other
32 like company derives its supply or water in whole or in
33 part.

SECT. 5. Every corporation incorporated under the
2 provisions of this act shall be liable in all cases to repay
3 any city or town all sums of money that said city or town
4 may be obliged to pay on any judgment recovered against
5 it for damages occasioned by any obstruction, digging up
6 or displacement of any way or street by said corporation,
7 together with counsel fees and expenses necessarily in-
8 curred in defending said town in actions therefor, pro-
9 vided, however, that said corporation shall have notice of
10 the commencement of any and all suits for such damage,
11 and such corporation shall have the right to defend any
12 such action at its own expense.

SECT. 6. Every such corporation shall file with the
2 county commissioners of the county in which the land
3 is situated a certificate containing the location of its lines
4 and works and plans and description of the lands, water
5 rights and easements purchased by it, or which it pro-
6 poses to take as for public uses under the provisions of
7 this act, and a statement of the purposes for which the
8 same is intended, which certificate shall be approved by
9 said commissioners and recorded; and such lands, water
10 rights and easements shall be deemed to be taken at the
11 time of such approval. Such corporation may file addi-
12 tional certificates and obtain the approval of the commis-
13 sioners thereto as the purposes of the corporation may

14 require. This section shall not apply to service pipes
15 leading from main pipes for the distribution of water.

SECT. 7. Every such corporation shall pay all damages
2 sustained by any person or corporation in property, by
3 the taking of any land, right of way, water, water source,
4 water right or easement, or by the erection of any dam,
5 or by any other thing done by said corporation under the
6 authority of this act.

If any person or corporation, sustaining damage as
8 aforesaid, and such water company shall not mutually
9 agree upon the sum to be paid therefor, said water com-
10 pany or such person or corporation sustaining such dam-
11 ages, may cause said damages to be ascertained and
12 determined in the same manner and under the same con-
13 ditions, restrictions and limitations as are by law pre-
14 scribed in the case of damages for lands taken for rail-
15 roads.

SECT. 8. Every such corporation upon and after the
2 completion of its works, mains and pipes shall distribute
3 water through the cities or towns in which its works and
4 pipes are constructed and laid, and shall furnish at reason-
5 able rates water for domestic and sanitary purposes to the
6 inhabitants of said cities and towns within a reasonable
7 distance from its main pipes, and to said cities and towns
8 in its corporate capacity for public uses.

And such cities and towns are hereby authorized and
10 empowered to contract with such corporations for a supply
11 of water for public and municipal uses upon such terms

12 and for such period as the contracting parties may agree,
13 and may raise and assess money required by such con-
14 tracts.

SECT. 9. Corporations incorporated under the provi-
2 sions of this act by vote of its stockholders called for the
3 purpose, may issue coupon or registered bonds to provide
4 means for constructing its works and plant, funding its
5 floating debt, or for the payment of money borrowed for
6 any lawful purpose, and may mortgage or pledge, as
7 security for the payment of the principal and interest of
8 such bonds, a part of all of its property and franchise.

SECT. 10. All acts and parts of acts inconsistent with
2 the provisions of this act are hereby repealed.

SECT. 11. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 3, 1895.

Read, and on motion by Mr. SPOFFORD of Hancock, laid on the table
to be printed.

KENDALL M. DUNBAR, *Secretary*.