

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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HOUSE.

No. 160.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Kingfield Water Company.

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

Section 1. H. S. Wing, E. E. Jenkins, John Winter,  
2 Charles W. French, A. G. Winter, Orren Tufts, C. W.  
3 Clark, W. J. Jordan, O. W. Simmons, E. C. Williamson,  
4 F. J. D. Barnjum, with their associates and successors, are  
5 hereby made a corporation under the name of the Kingfield  
6 Water Company, for the purpose of supplying the inhabi-  
7 tants of the town of Kingfield with suitable water for  
8 industrial, manufacturing, domestic, sanitary and munici-  
9 pal purposes, including the extinguishment of fire;

10 with all the rights and privileges, and subject to all  
11 the liabilities and obligations of similar corporations under  
12 the laws of this state.

Sect. 2. For any of the purposes aforesaid the said  
2 corporation is hereby authorized to take and use water  
3 from the Carrabassett river, or from any spring, pond,  
4 brook, or other waters in the town of Kingfield, except  
5 springs now in use for supplying water for domestic pur-  
6 poses ; to conduct and distribute the same into and through  
7 the said town of Kingfield ; and to survey for, locate,  
8 construct and maintain suitable and convenient dams,  
9 reservoirs, buildings, machinery, lines of pipes, aque-  
10 ducts, structures and appurtenances.

Sect. 3. The said corporation is hereby authorized to  
2 lay, construct and maintain its lines of pipe under, in and  
3 over the Carrabassett river and any tributaries thereof, in  
4 the said town of Kingfield, and to build and maintain all  
5 necessary structures therefor, at such places as may be  
6 necessary for the said purposes of the said corporation, and  
7 to cross any water course, private or public sewer, or to  
8 change the direction thereof, where necessary for their said  
9 purposes of incorporation, but in such manner as not to  
10 obstruct or impair the use thereof, and the said corporation  
11 shall be liable for any injury or damage caused thereby.

Sect. 4. The said corporation is hereby authorized to  
2 lay, construct and maintain in, under, through, along,  
3 over and across the highways, ways, streets, railroads  
4 and bridges in the said town of Kingfield, and to  
5 take up, replace and repair, all such aqueducts, pipes,  
6 hydrants and other structures and fixtures as may be  
7 necessary and convenient for the said purposes of

8 said corporation; and the said corporation shall be  
9 responsible for all damages to said town and to all  
10 corporations, persons and property, occasioned by such  
11 use of the said highways, ways and streets. Whenever  
12 the said corporation shall lay down or construct any  
13 fixtures in any highway, way or street, or make any  
14 alterations or repairs upon works in any highway, way  
15 or street, it shall cause the same to be done with as little  
16 obstruction to public travel as may be practicable, and  
17 shall at its own expense, without unnecessary delay, cause  
18 the earth and pavement then removed by it, to be replaced  
19 in proper condition.

Sect. 5. The said corporation is hereby authorized to  
2 take and hold, by purchase or otherwise, any lands nec-  
3 essary for flowage, and also for its dams, reservoirs, gates,  
4 hydrants, buildings and other necessary structures, and  
5 may locate, erect, lay and maintain aqueducts, lines of  
6 pipe, hydrants and other necessary structures or fixtures,  
7 in, over and through any land for the said purposes, and  
8 excavate in and through such land for such location, con-  
9 struction and erection. And in general to do any acts  
10 necessary, convenient or proper, for carrying out any of  
11 the said purposes of incorporation. It may enter upon  
12 such lands to make surveys and locations, and shall file in  
13 the registry of deeds for the county of Franklin, plans of  
14 such locations and lands, showing the property taken, and  
15 within thirty days thereafter publish notice of such filing  
16 in some newspaper in said county, such publication to be  
17 continued three weeks successively. Not more than two  
18 rods in width of land shall be occupied by any one line of  
19 pipe or aqueduct.

Sect. 6. Should the said corporation and the owner of  
2 any land required for the said purposes of incorporation  
3 be unable to agree upon the damages to be paid for such  
4 location, taking, holding and construction, the land owner  
5 may, within twelve months after the said filing of plans of  
6 location, apply to the commissioners of said county of  
7 Franklin, and cause such damages to be assessed in the  
8 same manner and under the same conditions as are pre-  
9 scribed by law in the case of damages by the laying out  
10 of railroads. If the said corporation shall fail to pay  
11 such land owner, or deposit for his use with the clerk of  
12 the county commissioners aforesaid, such sums as may be  
13 finally awarded as damages, with cost when recovered by  
14 him, within ninety days after notice of final judgment  
15 shall have been received by the clerk of courts of the said  
16 county, the said location shall be thereby invalid and the  
17 said corporation shall forfeit all rights under the same, as  
18 against the owner of the land. The said corporation may  
19 make a tender to any land owner damaged under the pro-  
20 visions of this act, and if such land owner recovers more  
21 damages than was tendered him by the said corporation,  
22 he shall recover cost, otherwise the said corporation shall  
23 recover cost. In case the said corporation shall begin to  
24 occupy such land before the rendition of final judgment,  
25 the land owner may require the said corporation to file its  
26 bond to him with the said county commissioners, in such  
27 sum and with such sureties as they may approve, condi-  
28 tioned for the payment of the damages that may be  
29 awarded. No action shall be brought against the said  
30 corporation for such taking, holding and occupation, until  
31 after such failure to pay or deposit as aforesaid. Failure

32 to apply for damages within the said twelve months, shall  
33 be held to be a waiver of the same.

Sect. 7. The said corporation is hereby authorized to  
2 make contracts with the United States, the state of  
3 Maine, the county of Franklin, the town of Kingfield,  
4 and with the inhabitants thereof or any corporations  
5 doing business therein, for the supply of water and power  
6 for the purposes contemplated in this act; and the said  
7 town and corporation by their proper officers, are hereby  
8 authorized to enter into contract with the said corporation  
9 for a supply of water for any and all purposes mentioned  
10 in this act, and for such exemption from public burdens as  
11 the said town and the said corporation may agree upon,  
12 which when made, shall be legal and binding upon all  
13 parties thereto.

Sect. 8. Whoever shall knowingly or maliciously corrupt  
2 the water supply of the said corporation, whether frozen  
3 or not, or in any way render such water impure, or who-  
4 ever shall willfully or maliciously injure any of the works  
5 of the said corporation, shall be punished by a fine not  
6 exceeding one thousand dollars, or by imprisonment not  
7 exceeding two years, and shall be liable to the said cor-  
8 poration for three times the actual damage, to be recovered  
9 in any proper action.

Sect. 9. The capital stock of the said corporation shall be  
2 fifteen thousand dollars, which may be increased to any  
3 sum not exceeding fifty thousand dollars, by a majority  
4 vote of the stockholders of the said corporation; and the  
5 stock shall be divided into shares of fifty dollars each.

Sect. 10. The said corporation for all its purposes,  
2 may hold real and personal estate necessary and convenient  
3 therefor, to the amount of fifty thousand dollars.

Sect. 11. The said corporation may issue its bonds for  
2 the construction of its works, of any and all kinds, upon  
3 such rates and time as it may deem expedient not to exceed  
4 the amount of the capital stock subscribed for, and secure  
5 the same by mortgage of its franchise and property.

Sect. 12. The first meeting of said corporation shall be  
2 called by a written notice thereof, signed by any two of the  
3 named incorporators, served upon each named incorporator  
4 by giving him the same in hand, or by leaving the same at  
5 his last and usual place of abode, at least seven days before  
6 the time of meeting, or by publishing said notice in some  
7 newspaper published in Phillips.

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





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
February 26, 1897.

Reported by Mr. BOYNTON of Sullivan, from Committee on Legal  
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*