

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 322

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to incorporate the Kittery Water and Electric Light
Company.

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

Section 1. Horace Mitchell, Calvin L. Hayes, J. L. M.
2 Willis, Thomas F. Staples, James H. Walker, O. S. Paul,
3 James R. Philbrick, Clarence M. Prince and Willard T.
4 Spinney with their associates and successors are hereby made
5 a corporation by the name of the Kittery Water and Electric
6 Light Company, for the purpose of conveying to and supply-
7 ing the towns of Kittery and Eliot with pure water and elec-
8 tric lights.

Sect. 2. Said corporation, for said purpose, may hold real
2 and personal estate necessary and convenient therefor, not
3 exceeding one hundred thousand dollars.

Sect. 3. Said corporation is hereby authorized for the pur-
2 poses aforesaid, to take water from any spring, pond or
3 streams in said towns or adjoining towns, provided, that no
4 water be taken from springs or ponds now used for similar
5 purposes without consent of the owner, to erect and main-
6 tain pumping stations, with all necessary appliances required
7 thereto, to erect and maintain reservoirs and stand-pipes, and
8 lay down and maintain pipes and aqueducts necessary for the
9 proper accumulating, conducting, discharging, distributing
10 and disbursing water, and forming proper reservoirs there-
11 for, and said corporation may take and hold by purchase or
12 otherwise any lands or real estate necessary therefor, and
13 may excavate through any lands when necessary for the pur-
14 poses of this corporation.

Sect. 4. Said corporation is hereby authorized for the pur-
2 poses aforesaid to carry on the business of lighting by elec-
3 tricity or otherwise, such public streets in the towns of
4 Kittery and Eliot, and such buildings and places therein,
5 public and private, as may be agreed upon by said corpora-
6 tion and the owners or those having control of such places
7 to be lighted, and may furnish motive power by electricity
8 or otherwise, within said towns, and may build and operate
9 manufactories and works for providing and supplying elec-
10 tricity, light and power, and may take, lease, purchase and
11 hold real estate, and personal estate therefor, and to con-
12 struct, lay, maintain, and operate lines of wire or other
13 material for the transmission of electricity or power, upon,
14 under, along and over any and all streets and ways or tide
15 waters under the direction of the municipal officers of said
16 towns.

Sect. 5. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person by the taking
3 of any land or other property, or by flowage, or by excavat-
4 ing through any land for the purposes of laying down pipes
5 and aqueducts, building dams, reservoirs, and also damages
6 for any other injuries resulting from said acts; and if any
7 person sustaining damage as aforesaid, and said corporation
8 cannot mutually agree upon the sum to be paid therefor,
9 either party on petition to the county commissioners of York
10 county may have the damages assessed by them; and subse-
11 quent proceedings and rights of appeal thereon shall be had
12 in the same manner and under the same conditions and
13 restrictions and limitations as are by law provided in case of
14 damages by laying out highways.

Sect. 6. The capital stock of said corporation shall be not
2 less than one hundred thousand dollars, said stock to be
3 divided into shares of fifty dollars each, with the right to
4 increase said capital stock at any time by vote of the share-
5 holders to an amount not exceeding three hundred thousand
6 dollars.

Sect. 7. Said corporation is hereby authorized to lay down,
2 construct and maintain in, through, over, under and along
3 the streets and ways of said towns of Kittery and Eliot and
4 surrounding towns, or over tide waters in said towns, and to
5 take up, replace and repair all such pipes, aqueducts and fix-
6 tures as may be necessary for the purposes of their incorpo-
7 ration, under such reasonable restrictions as may be imposed
8 by the selectmen of said towns, and said corporation shall be
9 responsible for all damage to persons and property occa-
10 sioned by the use of such streets and ways, and shall further
11 be liable to pay to said towns all sums recovered against said
12 towns for damages from obstructions caused by said corpo-
13 ration, and for all expenses, including reasonable counsel
14 fees incurred in defending such suits, with interest on same.

Sect. 8. Said corporation is hereby authorized to make con-
2 tract with said town of Kittery and Eliot, or any adjoining
3 towns, and with other corporations and individuals, for the
4 purpose of supplying water, electric lights and power as con-
5 templated by said act; and said towns of Kittery and Eliot
6 by their selectmen, are hereby authorized to enter into con-
7 tracts with said company for the supply of water, electric
8 lights and power and may make such contracts as said towns
9 and said company may agree upon, which, when made, shall
10 be legal and binding upon all parties thereto.

Sect. 9. Said corporation shall have power to cross any
2 private or public sewer, or to change the direction thereof,
3 when necessary for the purposes of this incorporation, and
4 with the consent of the municipal officers may change the
5 direction of the same, but in such a manner as not to obstruct
6 or impair the use thereof; and said corporation shall be liable
7 for any injury caused thereby. Whenever the company shall
8 lay down any pipes in any street, or make any alterations or
9 repairs upon its work in any street, it shall cause the same to
10 be done with as little obstruction to public travel as may be
11 practicable, and shall at its own expense without unnecessary
12 delay, cause the earth and pavements removed to be replaced
13 in proper condition.

Sect. 10. This corporation is hereby authorized to acquire
2 and hold by purchase all the property, rights, privileges,
3 immunities and franchise of any existing corporation located
4 in Kittery, Eliot or adjoining towns, organized for similar
5 purposes, upon such terms as may be agreed upon by said
6 corporations, and upon such purchase and transfer said cor-
7 poration purchasing shall have, hold, possess, exercise and
8 enjoy all the locations, powers, privileges, rights, immuni-
9 ties, franchise, property and estate which at the time of such
10 purchase and transfer shall then be had, held, possessed,
11 exercised and enjoyed by said corporation so selling.

Sect. 11. Said corporation may issue its bonds for the
2 construction of its works, upon such rates and terms as it
3 may deem expedient, not exceeding two hundred thousand
4 dollars, and secure the same by mortgage of the franchise
5 and property of said company.

Sect. 12. The first meeting of said corporation may be
2 called by written notice thereof, signed by any two corpora-
3 tors therein named and served upon each corporator by giv-
4 ing him the same in hand or by leaving the same at his last
5 usual place of abode seven days before the time of said
6 meeting.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 2, 1905.

Reported by Mr. HIGGINS from Committee on Judiciary and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.