

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-SECOND LEGISLATURE

SENATE.

No. 38

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 purposes aforesaid, to take water from any spring, pond or streams in said towns or adjoining towns, provided, that no water be taken from springs now used for private or domestic purposes without consent of the owner, to erect and maintain pumping stations, with all necessary appliances required thereto, to erect and maintain reservoirs and stand pipes, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disbursing water, and forming proper reservoirs therefor, and said corporation may take and hold by purchase or otherwise any lands or real estate necessary therefor, and may excavate through any lands when necessary for the purposes of this corporation.

Sect. 4. Said corporation is hereby authorized for the purposes aforesaid to carry on the business of lighting by electricity or otherwise, such public streets in the towns of Kittery and Eliot, and such buildings and places therein, public and private, as may be agreed upon by said corporation and the owners or those having control of such places to be lighted, and may furnish motive power by electricity or otherwise, within said towns, and may build and operate manufactories and works for providing and supplying electricity, light and power, and may take, lease, purchase and hold real estate, and personal estate therefor, and to construct, lay, maintain, and operate lines of wire or other material for the transmission of electricity or power, upon, under, along and over any and all streets and ways or tide waters under the direction of the municipal officers of said towns.

Sect. 5. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking 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 or
4 over tide waters in said towns, and to take up, replace and
5 repair all such pipes, aqueducts and fixtures as may be neces-
6 sary for the purposes of their incorporation, under such
7 reasonable restrictions as may be imposed by the selectmen
8 of said towns, and said corporation shall be responsible for
9 all damage to persons and property occasioned by the use of
10 such streets and ways, and shall further be liable to pay to
11 said towns all sums recovered against said towns for damages
12 from obstructions caused by said corporation, and for all
13 expenses, including reasonable counsel fees incurred in
14 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 such exemption from public burden
9 as said towns and said company may agree upon, which, when
10 made, shall 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, but
4 in such a manner as not to obstruct or impair the use
5 thereof; and said corporation shall be liable for any injury
6 caused thereby. Whenever the company shall lay down any
7 pipes in any street, or make any alterations or repairs upon
8 its work in any street, it shall cause the same to be done with
9 as little obstruction to public travel as may be practicable,
10 and shall at its own expense without unnecessary delay, cause
11 the earth and pavements removed to be replaced in proper
12 condition.

Sect. 10. Said corporation may issue its bonds for the con-
2 struction of its works, upon such rates and terms as it may
3 deem expedient, not exceeding one hundred thousand dol-
4 lars, and secure the same by mortgage of the franchise and
5 property of said company.

Sect. 11. The first meeting of said corporation may be
2 called by written notice thereof, signed by any two corpo-
3 rators therein named and served upon each corporator by
4 giving him the same in hand or by leaving the same at his
5 last usual place of abode seven days before the time of said
6 meeting.

Sect. 12. This act shall become null and void in four years
2 from the time when the same takes effect, unless the corpo-

3 ration shall have organized and commenced the construction
4 of its work under this charter.

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

STATE OF MAINE.

IN SENATE, January 31, 1905.

Pending reference to Committee on the Judiciary in concurrence, laid on table to be printed, on motion by Mr SIMPSON of York.

KENDALL, M. DUNBAR, *Secretary*.