

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 489

STATE OF MAINE.

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

AN ACT to incorporate Cornish, Light & Power Company.

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

Section 1. LeRoy F. Pike, William R. Copp, Noah J.
2 Foss, Harry P. Jameson, Fred P. Chick, Charles Bradeen,
3 Jesse T. Irish, Edwin C. Small, George H. Parker, William H.
4 Pendexter, Frank G. Day, Bradley Allen, James H. Downs,
5 James C. Ayer, Milton S. Eastman, W. W. Thompson, J.
6 Merrill Lord, and Walter P. Perkins, their associates, suc-
7 cessors and assigns are hereby made a corporation by the
8 name of Cornish Water, Light & Power Company, with all
9 the powers, rights and privileges and subject to all the duties

10 and obligations conferred and imposed on corporations by
11 law, except as provided herein.

Sect. 2. The purposes of said corporation are to furnish
2 water for the extinguishment of fires and for municipal,
3 domestic, sanitary, manufacturing and industrial purposes,
4 and to make, generate, sell, lease, supply and distribute
5 electricity or gas, or both, for lighting, heating, mechanical,
6 manufacturing and industrial purposes in the towns of Cor-
7 nish and Baldwin, and the town of Hiram except such part
8 thereof as is known as South Hiram village.

Sect. 3. The said corporation is hereby authorized for the
2 purposes aforesaid to retain, collect, take, store, use and dis-
3 tribute water from any ponds, springs, streams or other
4 water sources in said towns of Cornish, Baldwin and Hiram
5 that it may acquire by purchase from the owners thereof;
6 to erect and maintain cribs, reservoirs, dams, stand-pipes,
7 gates, pipes, aqueducts and other structures necessary for
8 the proper accumulating, conducting, discharging, dis-
9 tributing and disposing of water and forming proper reser-
10 voirs thereof, and to take and hold by purchase or otherwise
11 any lands or real estate necessary therefor; to excavate, lay
12 down, replace, repair and maintain its pipes and aqueducts
13 and erect its poles and extend its wires through any lands
14 necessary for the purposes aforesaid; to erect its poles,
15 extend its wires, lay its pipes and aqueducts and construct
16 and maintain the same in, upon, along, across, over and
17 under the roads and streets in said towns of Cornish, Bald-

18 win and Hiram, under such reasonable restrictions as may
19 be imposed by the municipal officers of said towns, subject
20 to the general laws of the state regulating the erection of
21 poles and wires and the laying of pipes.

Sect. 4. Said corporation shall be held liable to pay all
2 damages that may be sustained by any person by the taking
3 of land or other property, by excavating through any land
4 for the purpose of laying down pipes and aqueducts, building
5 dams, reservoirs, by flowage, the erection of poles and wires
6 or other structures, and, if any person, sustaining damages
7 as aforesaid, cannot agree with said corporation upon the
8 sum to be paid therefor, either party may cause such dam-
9 ages to be assessed in the same manner and subject to the
10 same conditions, restrictions and limitations as is provided
11 by law in the case of damages by the laying out of highways.

Sect. 5. Said corporation shall have authority to enter
2 upon any land for the purpose of making surveys and loca-
3 tions, and shall file in the registry of deeds for the county in
4 which said land is situated plans for the location of lands
5 and other property taken, and when so filed such property
6 shall be deemed and treated as taken; with said plans, said
7 corporation may file a statement of the damages it is willing
8 to pay for any property so taken, and if the amount finally
9 awarded does not exceed that sum, the corporation shall
10 recover costs against such parties; otherwise such parties
11 shall recover costs against said corporation.

Sect. 6. Said corporation, at its own expense, without
2 unnecessary delay, shall remove any and all obstructions in

3 any street or way made in excavating and laying its pipes
4 and erecting its poles, wires and other structures, and shall
5 cause earth disturbed to be properly replaced. It shall not
6 be allowed to obstruct or impair the use of any public or
7 private sewer, drain, pipe, telephone, telegraph, or railroad
8 wire, but may cross, or when necessary, change the direction
9 of any such sewer, drain, pipe or wire in such manner as not
10 to obstruct or impair the use thereof, and shall be respon-
11 sible to the owner or other persons for any injury occasioned
12 thereby.

Sect. 7. Said corporation is hereby authorized to make
2 contracts with said towns of Cornish, Baldwin and Hiram
3 and with other corporations and persons for the purpose of
4 supplying water, light, heat and power as contemplated in
5 this act, and said towns, by their selectmen, and other corpo-
6 rations are hereby authorized to enter into contracts with
7 said company for water, light, heat or power, and for such
8 exemptions from public burden as such towns and corpora-
9 tions and said company agree upon, which, when made, shall
10 be legal and binding upon all parties thereto.

Sect. 8. The said corporation is hereby authorized to
2 acquire and hold by lease or purchase the property, rights,
3 locations, privileges and franchises, or any part thereof, of
4 the Cornish and Kezar Falls Light and Power Company,
5 and to pay therefor, wholly or partly, in the stocks and bonds
6 of said Cornish Water, Light and Power Company; and said
7 Cornish and Kezar Falls Light and Power Company is

8 hereby authorized to lease or sell its said property, rights,
9 locations, privileges and franchises, or any part thereof, to
10 said Cornish Water, Light and Power Company; and said
11 Cornish and Kezar Falls Light and Power Company is
12 hereby authorized to take, hold, sell, assign, transfer, mort-
13 gage, pledge, and otherwise dispose of shares of the capital
14 stock or bonds, securities, or evidences of indebtedness of
15 said Cornish Water, Light and Power Company, with all
16 the rights, powers and privileges of ownership therein con-
17 ferred upon corporations under chapter forty-seven of the
18 Revised Statutes of the state of Maine. And whenever, or
19 as often as, said Cornish Water, Light and Power Company
20 has acquired by lease or purchase the aforesaid property,
21 rights, locations, privileges and franchises, or any part
22 thereof, of said Cornish and Kezar Falls Light and Power
23 Company, said Cornish Water, Light and Power Company
24 shall thereupon succeed to, and have, and is hereby author-
25 ized to exercise such of the rights, privileges and franchises
26 of said Cornish and Kezar Falls Light and Power Company
27 as it may acquire as aforesaid. And said company shall not
28 have authority to engage in the business of **electric lighting**
29 in any of said towns, without the consent of said Cornish and
30 Kezar Falls Light and Power Company, until it shall have
31 acquired the property of said Cornish and Kezar Falls Light
32 and Power Company in such town, as contemplated by this
33 charter, and if the price to be paid for such property can-
34 not be agreed upon by the parties, the amount shall be deter-

35 mined by a commission of three competent and disinterested
36 men, one of whom shall be selected by each company and the
37 third by the two so selected, if they can agree, if not, then
38 by the chief justice of the supreme judicial court of the state
39 of Maine, and the award of said commission, not less than
40 cost, shall be final. One-half of the cost of said commission
41 shall be paid by each company.

Sect. 9. The capital stock of this corporation shall be fifty
2 thousand dollars, divided into shares of fifty dollars each.

Sect. 10. Said corporation may issue its bonds upon such
2 rates and time as it may deem expedient and in such an
3 amount as may be required for the objects of this incorpora-
4 tion and for the purposes authorized by this act, and secure
5 the same by mortgage upon the franchises and property of
6 said company.

Sect. 11. Said corporation, for its purposes, may hold real
2 and personal property necessary and convenient therefor.

Sect. 12. The principal office of said corporation shall be
2 located in the town of Cornish, in the county of York and
3 state of Maine, and said corporation may establish offices
4 and places of business in the towns of Baldwin and Hiram.

Sect. 13. If any person shall wantonly or maliciously
2 injure any of the structures, reservoirs, hydrants, pipes, or
3 other property, or water supply, whether frozen or not, of
4 said corporation, he shall, on conviction thereof, be punished
5 by a fine not exceeding one thousand dollars, or by imprison-
6 ment not exceeding two years, or both, and shall be liable to

7 pay triple damages, to said corporation, to be recovered by
8 an action before any court of competent jurisdiction.

Sect. 14. The first meeting of said corporation may be
2 called by written notice, thereof, signed by any two corpo-
3 rators herein named, and served upon each corporator by a
4 copy of the same in hand or mailed, postage prepaid, at least
5 seven days prior to the day named therein for such meeting.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 9, 1907.

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

E. M. THOMPSON, *Clerk.*