

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 430

House of Representatives, March 3, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Franklin Water Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. F. E. Blaisdell, S. S. DeBeck, Theodore Brag-
2 don, W. T. Havey, L. F. Springer, S. S. Seammon, W. B.
3 Lawrie, L. C. Bragdon, all of the town of Franklin, Han-
4 cock county, Maine, and Charles N. Taylor of Wellesley,
5 Massachusetts, their associates, successors and assigns, are
6 hereby made a corporation by the name Franklin Water
7 Company, for the purpose of supplying the village of Frank-
8 lin in the county of Hancock and the inhabitants of said
9 town with pure water for domestic, sanitary and municipal
10 purposes, including the extinguishment of fires, with all the
11 rights and privileges, and subject to all the liabilities and

12 obligations of similar corporations under the laws of this
13 state.

Sect. 2. Said company for said purposes may retain, col-
2 lect, take, store and distribute water from any springs or
3 wells that it may acquire by purchase of the owners thereof,
4 or from any ponds, streams or other sources in said town of
5 Franklin, and may locate, construct and maintain cribs, res-
6 ervoirs, dams, stand-pipes, gates, hydrants, pipes and all
7 other necessary structures to conduct and distribute the
8 same through said town of Franklin.

Sect. 3. The place of business of said corporation shall
2 be at Franklin in the county of Hancock and state of Maine,
3 and its business shall be confined to said town of Franklin
4 in said county.

Sect. 4. Said corporation is hereby authorized for the
2 purposes aforesaid, to lay, construct and maintain in, under,
3 through, along and across the highways, ways, streets, rail-
4 roads and bridges in said town, and to take up, replace and
5 repair all such sluices, aqueducts, pipes, hydrants and struct-
6 ures as may be necessary for the purposes of its incorpora-
7 tion, so as not to unreasonably obstruct the same, under such
8 reasonable restrictions and conditions as the selectmen of
9 said town may impose. It shall be responsible for all dam-
10 age to persons and property occasioned by the use of such
11 highways, ways and streets, and shall further be liable to
12 pay to said town all sums recovered against said town for
13 damages for obstruction caused by said company, and for

14 all expenses including reasonable counsel fees incurred in
15 defending such suits with interest on the same, provided said
16 company shall have notice of such suits and opportunity to
17 defend the same.

Sect. 5. Said company shall have power to cross any wa-
2 ter course, private and public sewer, or to change the direc-
3 tion thereof, when necessary for the purposes of its incor-
4 poration, but in such manner as not to obstruct or impair
5 the use thereof, and it shall be liable for any injury caused
6 thereby. Whenever said company shall lay down any fix-
7 tures in any highway, way or street, or make any alterations
8 or repairs, upon its works in any highway, way or street, it
9 shall cause the same to be done with as little obstruction to
10 public travel as may be practicable, and shall, at its own
11 expense, without unnecessary delay, cause the earth and
12 pavements there removed by it, to be replaced in proper
13 condition.

Sect. 6. 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 exca-
4 vating through any land for the purposes of laying down
5 pipes and aqueducts, building dams, reservoirs, and also
6 damages for any other injuries resulting from said acts;
7 and if any person sustaining damage as aforesaid, and said
8 corporation cannot mutually agree upon the sum to be paid
9 therefor, either party on petition to the county commission-
10 ers of Hancock county, may have the damages assessed by

11 them; and subsequent proceedings and rights of appeal
12 thereon shall be had in the same manner and under the same
13 conditions, restrictions and limitations, as are by law pro-
14 vided in case of land taken for railroads.

Sect. 7. Said corporation may hold real and personal es-
2 tate necessary and convenient for all its said purposes to
3 the amount of thirty thousand dollars.

Sect. 8. Said corporation may issue its bonds for the con-
2 struction of its work, upon such rates and terms as it may
3 deem expedient, not exceeding thirty thousand dollars, and
4 secure the same by mortgage of the franchise and property
5 of said company.

Sect. 9. The capital stock of said corporation shall be
2 thirty thousand dollars, said stock to be divided into three
3 thousand shares of ten dollars each.

Sect. 10. The first meeting of this corporation may be
2 called by written notice, signed by any one of the incorpo-
3 rators and served upon each of the other incorporators, at
4 least seven days before the day of said meeting.

Sect. 11. Said corporation is hereby authorized to make
2 contracts with said town of Franklin, and with other cor-
3 porations and individuals, for the purpose of supplying wa-
4 ter, for municipal and other purposes; and said town by its
5 selectmen, is hereby authorized to enter into contract with
6 said company for the supply of water, with such exemption
7 from public burden as said town and said company may

8 agree upon, which, when made, shall be legal and binding
9 upon all parties thereto.

Sect. 12. Said town of Franklin at any time after the
2 expiration of five years from the opening for use and ser-
3 vice of a system of water works constructed by said corpo-
4 ration and after a vote in a legal town meeting to that effect
5 has been passed, shall have the right to purchase, and by this
6 act said corporation is required to sell to said town said sys-
7 tem of water works including everything appertaining there-
8 to, and if said town and corporation cannot agree upon the
9 terms, upon such terms and price as shall be determined and
10 fixed by the chief justice of the supreme court of the state
11 of Maine, after due hearing of the parties interested, and
12 from the decision of said chief justice there shall be no
13 appeal.