

# 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)

NEW DRAFT.

---

---

SEVENTY-SIXTH LEGISLATURE

---

---

HOUSE

NO. 503

---

---

*House of Representatives, March 13, 1913.*

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

*W. R. ROIX, Clerk.*

---

---

STATE OF MAINE

---

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

---

---

AN ACT to incorporate the Bowdoinham Water and Electric  
Company.

---

---

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

Section 1. William B. Kendall, James E. Cornish, Charles  
2 B. Randall, James H. Ames, R. D. Purinton, all of the  
3 town of Bowdoinham, with their associates, successors and  
4 assigns are hereby made a corporation under the name of  
5 the Bowdoinham Water and Electric Company for the pur-  
6 pose of supplying the town of Bowdoinham, in Sagadahoc  
7 county, with pure water for domestic, sanitary, commercial

8 and municipal purposes, including the extinguishment of  
9 fires; and to make, generate, sell, lease, supply and distrib-  
10 ute electricity or gas or both for lighting, heating, mechan-  
11 ical, manufacturing and industrial purposes, in the town  
12 of Bowdoinham; and such corporation shall possess all the  
13 powers and privileges, and be subject to all the liabilities  
14 and obligations imposed upon corporations by law, except  
15 as herein otherwise provided.

Sect. 2. The place of business of said corporation shall  
2 be at Bowdoinham, in the county of Sagadahoc and State  
3 of Maine.

Sect. 3. For the purpose of furnishing the aforesaid pure  
2 water, or for the preservation and purity of said water,  
3 the said corporation is hereby authorized to take and use  
4 water from any pond, brook, or other waters in the town  
5 of Bowdoinham, in said Sagadahoc county; and to survey  
6 for, locate, construct and maintain all suitable and conve-  
7 nient dams, reservoirs, sluices, hydrants, buildings, machin-  
8 ery, lines of pipe, aqueducts, structures and appurtenances.

Sect. 4. The said corporation is hereby authorized to  
2 erect its poles and extend its wires, to lay, construct and  
3 maintain its lines of pipe in the said town of Bowdoinham,  
4 and to build and maintain all necessary structures therefor,  
5 at such places as shall be necessary for the purposes of said  
6 corporation; and to cross any water course, private or  
7 public sewer, or to change the direction thereof, when  
8 necessary for their said purposes of incorporation, but in

9 such manner as not to obstruct or impair the use thereof,  
10 and the said corporation shall be liable for any injury  
11 caused hereby.

Sect. 5. Said corporation is hereby authorized to erect,  
2 lay, construct and maintain in, under, through, along, over  
3 and across the highways, ways, streets, railroads, streams,  
4 and bridges in said town of Bowdoinham, and to take up,  
5 replace and repair all such poles, wires, aqueducts, sluices,  
6 pipes, and other structures and fixtures, as may be neces-  
7 sary and convenient for any of the said purposes of the said  
8 corporation, under such reasonable restrictions and condi-  
9 tions as may be imposed by the municipal officers of said  
10 town, subject to the general laws of the state regulating  
11 the erection of poles and wires and the laying of pipes; and  
12 the said corporation shall be responsible for all damages  
13 to the said town and to all corporations, persons, and prop-  
14 erty occasioned by such use of the highways, ways and  
15 streets.

Whenever the said corporation shall erect poles and wires,  
17 lay down or construct any pipes or fixtures in any highway,  
18 way or street, or make any alteration or repairs upon its  
19 works, in any highway, way or street, it shall cause the  
20 same to be done with as little obstruction to public travel  
21 as may be practicable, and shall, at its own expense, with-  
22 out unnecessary delay, cause the earth and pavement then  
23 removed by it, to be replaced in proper condition.

Sect. 6. The said corporation is hereby authorized to take

2 and hold by purchase or otherwise any land necessary for  
3 flowage, and also for its poles, wires, drains, reservoirs,  
4 gates, hydrants, buildings and other necessary structures;  
5 and may locate, erect, lay and maintain poles, wires, aque-  
6 ducts, hydrants, lines of pipe, and other necessary struc-  
7 tures or fixtures in, over and through such land for such  
8 location, construction and erection. And in general to do  
9 any act necessary, convenient or proper for the carrying out  
10 of any of the said purposes of incorporation.

It may enter upon such land to make surveys and loca-  
12 tions, and shall file in the registry of deeds in the county  
13 of Sagadahoc plans of such locations, and lands, showing  
14 the property taken, and no entry shall be made upon any  
15 lands, excepting to make surveys, until the expiration of  
16 ten days from said filing; and with such plan the corpora-  
17 tion may file a statement of the damages it is willing to  
18 pay for any property so taken, and if the amount finally  
19 awarded does not exceed that sum, the corporation shall  
20 recover costs against such parties, otherwise such parties  
21 shall recover costs against such corporation.

Sect. 7. Should the said corporation and the owner of  
2 such land be unable to agree upon the damage to be paid  
3 for such location, taking, holding, flowing and construction,  
4 the land owner may within twelve months after said filing  
5 of plans of location, apply to the commissioners of said  
6 county of Sagadahoc and cause such damages to be assessed  
7 in the same manner and under the same conditions as are

8 prescribed by law in the case of damages by the laying out  
9 of highways, as far as such law is consistent with the pro-  
10 visions of this act.

If said corporation shall fail to pay such land owner, or  
12 deposit for his use with the clerk of the county commis-  
13 sioners aforesaid such sum as may be finally awarded as  
14 damages, with costs when recovered by him, within ninety  
15 days after the notice of final judgment shall have been re-  
16 ceived by the clerk of courts of said county, the said loca-  
17 tion shall be thereby invalid, and the said corporation shall  
18 forfeit all rights under the same as against such land owner.  
19 In case the said corporation shall begin to occupy such  
20 land before the rendition of final judgment the land owner  
21 may require the said corporation to file its bond to him  
22 with the said county commissioners, in such sum and with  
23 such sureties as they may approve, conditioned for the  
24 payment of the damages that may be awarded. No action  
25 shall be brought against said corporation for such taking,  
26 holding and occupation until after such failure to pay or  
27 deposit as aforementioned.

Sect. 8. Any person suffering damage by the taking of  
2 water by said company as provided by this act, may have  
3 his damage assessed in the same manner provided in the  
4 preceding section, and payment thereof shall be made in the  
5 same manner and with the same effect. No action shall be  
6 brought for the same until after expiration of the time of  
7 payment and a tender by said company may be made with

8 the same effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to  
2 make contracts with the United States, the State of Maine,  
3 the County of Sagadahoc, the town of Bowdoinham, and  
4 with any village corporation in said town and with any in-  
5 habitants thereof, or any corporation doing business there-  
6 in, or water district, for the supply of water for any and  
7 all the purposes contemplated in this act; and the said town  
8 by its proper officers, are hereby authorized to enter into  
9 any contract with the said corporation for electricity for  
10 lighting, or for other purposes, also for water for any and  
11 all purposes mentioned in this act, for a term of years and  
12 in consideration thereof to relieve said corporation from  
13 such public burdens by abatement or otherwise as said town,  
14 village corporations, or water district may agree upon; and  
15 said contract shall be legal and binding upon all parties  
16 thereto. And the said town of Bowdoinham may raise  
17 money for this purpose in the same manner as for other  
18 town charges.

Sect. 10. Whoever shall knowingly or maliciously cor-  
2 rupt the water supply of the said corporation, whether froz-  
3 en or not, or in any way render such water impure, or who-  
4 ever shall wilfully or maliciously injure any of the works  
5 of the said corporation, shall be punished according to the  
6 provisions of section seven of chapter fifty-six of the Re-  
7 vised Statutes, and shall be liable to said corporation for  
8 three times the actual damage, to be recovered in any proper  
9 action.

Sect. 11. The capital stock of said corporation shall be  
2 five thousand dollars, which may be increased to any sum  
3 not exceeding fifty thousand dollars, by a majority vote of  
3 the stock holders of the said corporation; and the stock shall  
5 be divided into shares of fifty dollars each.

Sect. 12. The said corporation, for all its said purposes,  
2 may hold real and personal estate necessary and convenient  
3 therefor. Said corporation may establish written regula-  
4 tions for the use of said electricity and water, and change  
5 the same from time to time.

Sect. 13. 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, to an amount  
4 not exceeding its capital stock subscribed and actually paid  
5 for, and secure the same by mortgage of its franchise and  
6 property.

Sect. 14. The first meeting of the corporation shall be  
2 called by a written notice therefor, signed by any two of  
3 the named incorporators, served upon each named incorpo-  
4 rator by giving him the same in hand, or by leaving the same  
5 at his last and usual place of abode, at least seven days be-  
6 fore the time of meeting.

Sect. 15. Said town of Bowdoinham or any water or  
2 electric company including said town or a portion of said  
3 town, at any time after the expiration of five years from  
4 the opening for use and service of a system of water or  
5 electric works constructed by said corporation, and after a



6 vote in a legal town meeting to that effect has been passed,  
7 shall have the right to purchase, and by this act said cor-  
8 poration is required to sell to said town, or any water or  
9 electric company including said town, said system of water  
10 or electric works, or both, including everything appertain-  
11 ing thereto; and if said town or said water or electric com-  
12 pany and said corporation cannot agree upon the terms and  
13 price, then such terms and such price shall be determined  
14 and fixed by the Chief Justice of the Supreme Court of the  
15 State of Maine, after due hearing of the parties interested,  
16 and from the decision of said Chief Justice there shall be no  
17 appeal.