

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. 633

House of Representatives, March 21, 1913.

*Reported by Mr. Peaks from Committee on Legal Affairs,
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 Hampden Water Company.

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

Section 1. George W. Smith, James A. Dunning, Charles
2 C. Garland, George H. Hamlin, and Benjamin W. Blan-
3 chard, their associates, successors and assigns, are hereby
4 made a corporation by the name of the Hampden Water
5 Company, for the purposes of supplying the town of Hamp-
6 den in the county of Penobscot and inhabitants thereof with
7 pure water for domestic, sanitary and municipal purposes,
8 including the extinguishment of fires, with all the rights
9 and privileges, and subject to all the liabilities and obliga-
10 tions of similar corporations under the laws of this State.

11 Also for the purpose of buying, selling, leasing and operat-
12 ing the property, capital stock, bonds, rights, privileges,
13 immunities and franchises of any individuals, firms or cor-
14 porations doing a similar business in said Penobscot county.

Sect. 2. Said corporation for said purposes may retain,
2 collect, take, store and distribute water from any springs
3 or wells that it may acquire by purchase of the owners
4 thereof or otherwise, or from any ponds, streams or other
5 sources in or out of said town of Hampden, and may locate,
6 construct and maintain cribs, reservoirs, dams, stand-pipes,
7 gates, hydrants, pipes and all other necessary structures, to
8 conduct and distribute the same into and through said town
9 of Hampden. Said corporation is hereby authorized to
10 contract, to buy and to receive its supply of water, in whole
11 or in part, from any other corporation or municipality, and
12 said corporation or municipality is hereby authorized to
13 contract, to convey and deliver to this corporation said water
14 supply.

Sect. 3. 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, street railways and bridges in said Hampden, and to
5 take up, replace and repair all such sluices, aqueducts, pipes,
6 hydrants, and structures as may be necessary for the pur-
7 poses of its incorporation, so as not to unreasonably obstruct
8 the same, under such reasonable restrictions and conditions
9 as the selectmen of said town may impose. Said corpora-

10 tion shall be responsible for all damages to persons and
11 property occasioned by the use of such highways, ways and
12 streets, and shall further be liable to pay to said town all
13 sums recovered against said town for damages for obstruc-
14 tion caused by said corporation and for all expenses includ-
15 ing reasonable counsel fees incurred in defending such
16 suits, with interest on the same, provided said corporation
17 shall have notice of suits and opportunity to defend the
18 same should it choose. Said town of Hampden is hereby
19 authorized to contract with the said corporation for a sup-
20 ply of water for fire or for other purposes for a term of
21 years, and at the expiration of such contract to renew or
22 change the same.

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

Sect. 5. Said corporation shall be held liable to pay all

2 damage 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, firm, company or corporation sustaining
8 damage as aforesaid, and said corporation cannot mutually
9 agree upon the sum to be paid therefor, either party, upon
10 petition to the county commissioners of Penobscot county,
11 may have the damages assessed by them, and subsequent
12 proceedings and rights of appeal thereon, shall be had in
13 the same manner and under the same conditions, restrictions
14 and limitations as are by law provided in case of land taken
15 for railroads.

Sect. 6. Said corporation may hold real and personal
2 estate necessary and convenient for all its said purposes to
3 the amount of two hundred and fifty thousand dollars.

Sect. 7. 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 the amount of its capital
4 stock, and secure the same by mortgage of the franchise
5 and property of said corporation.

Sect. 8. The capital stock of said corporation shall be not
2 less than twenty-five thousand dollars nor more than five
3 hundred thousand dollars and shall be divided into shares
4 of ten (10) dollars each. The capital stock may be in-
5 creased from time to time, in such manner and under such

6 restrictions as are provided for the increase of capital stock
7 of corporations under the general laws. The capital stock
8 may be divided into two classes, with such designations,
9 preferences, voting powers, restrictions and qualifications
10 thereof as shall be fixed and determined in the by-laws or
11 by vote of the stockholders, at a meeting duly called for
12 that purpose. Manufactories and other business corpora-
13 tions doing business in said Hampden are hereby author-
14 ized to subscribe, hold and pay for stock in said corpora-
15 tion.

Sect. 9. The first meeting of this corporation shall be
2 called by written notice, signed by one of the incorporators
3 and served upon each of the other incorporators, in person
4 or by mailing the same, at least seven days before the day
5 of said meeting.

Sect. 10. Said corporation is hereby authorized to make
2 contracts with said town of Hampden, and with other cor-
3 porations and individuals, for the purpose of supplying
4 water for municipal and other purposes; and said town of
5 Hampden, by its selectmen, is hereby authorized to enter
6 into contract with said corporation for the supply of water,
7 with such exemption from public burden as said corpora-
8 tion may agree upon, which, when made, shall be legal and
9 binding upon all parties thereto.

Sect. 11. Said town of Hampden 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
6 this act said corporation is required to sell to said town said
7 system of water works including everything appertaining
8 thereto, and if said town and corporation cannot agree upon
9 the terms and price, then such terms and price shall be
10 determined and fixed by the chief justice of the supreme
11 court of the State of Maine, after due hearing of the parties
12 interested, and from the decision of said chief justice there
13 shall be no appeal: Provided this act shall not take effect
14 if on or before July 1st, 1915, the city of Bangor shall ex-
15 tend its municipal water service including mains, pipes and
16 other structures necessary for supplying the town of Hamp-
17 den or the inhabitants thereof with pure water into the town
18 of Hampden.

Sect. 12. For the purposes of this act, the city of Bangor
2 is hereby authorized to lay, construct and maintain in, un-
3 der, through, along and across the highways, ways, streets,
4 railroads, street railroads and bridges in said Hampden,
5 and to take up, replace and repair all such sluices, aqueducts,
6 pipes, hydrants and structures as may be necessary for said
7 purposes, under all the conditions, restrictions, laws, ordin-
8 ances, and rules as given said city of Bangor in the use,
9 management and extension of its water system.

Sect. 13. Said city of Bangor is authorized to make con-
2 tracts with said town of Hampden and with other corpora-
3 tions and individuals for the supplying of water for municipi-

4 pal and other purposes; and said town of Hampden by its
5 selectmen is hereby authorized to enter into contract with
6 said city of Bangor for water for fire and other municipal
7 purposes.

Sect. 14. Before this bill or any part thereof shall take
2 effect, the same shall be accepted at any legally called town
3 meeting of the inhabitants thereof by a majority vote of
4 those present.