

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 258

In Senate, Feb. 6, 1913.

Came from the House referred to the Committee on Judiciary, and on motion by Senator Hersey of Aroostook, laid on the table for printing, pending reference in concurrence.

W. E. LAWRY, Secretary.

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 spring, pond, brook, well or other waters
5 in the town of Bowdoinham, in said Sagadahoc county;
6 and to survey for, locate, construct and maintain all suitable
7 and convenient dams, reservoirs, sluices, hydrants, wells,
8 buildings, machinery, lines of pipe, aqueducts, structures
9 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, wells, buildings and other necessary struc-
5 tures; and may locate, erect, lay and maintain poles, wires,
6 aqueducts, hydrants, lines of pipe, and other necessary
7 structures or fixtures in, over and through such land for
8 such location, construction and erection. And in general
9 to do any act necessary, convenient or proper for the carry-
10 ing out any of the said purposes of incorporation.

It may enter upon such land to make surveys and
12 locations, 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

7 assessed in the same manner and under the same conditions
8 as are prescribed by law in the case of damages by the lay-
9 ing out of highways, as far as such law is consistent with
10 the provisions 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 by a fine not ex-
6 ceeding one thousand dollars, or by imprisonment not to
7 exceed two years, and shall be liable to said corporation for

8 three times the actual damage, to be recovered in any
9 proper 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
4 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 for, and secure
5 the same by mortgage of its franchise and 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 incorpor-
4 ator 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.