

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 371

In Senate, Feb. 24, 1913.

*Reported by Senator Dutton from Committee on Judiciary,
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to incorporate The Mount Vernon Water & Electric
Company.

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

Section 1. Joseph W. Allen, Horace E. Carson, B. Frank
2 Allen, Harry S. Russ, Thos. W. McQuaide, J. Frank Ham-
3 mond, B. Ralph Cram, Mark B. Gilman and Clifton L. Al-
4 len, all of the town of Mount Vernon, with their associates,
5 successors and assigns are hereby made a corporation under
6 the name of The Mount Vernon Water & Electric Company
7 for the purpose of supplying the towns of Mount Vernon
8 and Vienna in Kennebec county with pure water for domes-
9 tic, sanitary, commercial and municipal purposes including

10 the extinguishment of fires; and to make, generate, sell,
11 lease, supply and distribute electricity or gas or both for
12 lighting, heating, mechanical, manufacturing and industrial
13 purposes, in the towns of Mount Vernon and Vienna; and
14 such corporation shall possess all the powers and privileges
15 and be subject to all the liabilities and obligations imposed
16 upon corporations by law, except as herein otherwise pro-
17 vided.

Sect. 2. The place of business of said corporation shall
2 be at Mount Vernon, in the county of Kennebec 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, the
3 said corporation is hereby authorized to take and use water
4 from any spring, pond, brook or other waters in the towns
5 of Mount Vernon and Vienna, in said Kennebec county,
6 excepting Parker pond, so called, situated partly in the town
7 of Mount Vernon; and to survey for, locate, construct and
8 maintain all suitable and convenient dams, reservoirs, sluices,
9 hydrants, wells, buildings, machinery, lines of pipe, aque-
10 ducts, structures and appurtenances.

Sect. 4. The said corporation is hereby authorized to erect
2 its poles and extend its wires, to lay, construct and main-
3 tain its lines of pipe in the said towns of Mount Vernon
4 and Vienna and to build and maintain all necessary struct-
5 ures therefor, at such places as shall be necessary for the
6 purposes of said corporation; and to cross any water course,

7 private or public sewer, or to change the direction thereof,
8 when necessary for their said purposes of incorporation,
9 but in such manner as not to obstruct or impair the use
10 thereof, and the said corporation shall be liable for any in-
11 jury 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 the said towns of Mount Vernon and Vienna,
5 and to take up, replace and repair all such poles, wires,
6 aqueducts, sluices, pipes, and other structures and fixtures,
7 as may be necessary and convenient for any of the said
8 purposes of the said corporation, under such reasonable re-
9 strictions and conditions as may be imposed by the muni-
10 cipal officers of said towns, subject to the general laws of
11 the state regulating the erection of poles and wires and the
12 laying of pipes; and the said corporation shall be respon-
13 sible for all damages to the said towns and to all corpora-
14 tions, persons, and property, occasioned by such use of the
15 highways, ways and streets. Whenever the said corpora-
16 tion shall erect poles and wires, lay down or construct any
17 pipes or fixtures in any highway, way or street, or make
18 any alteration or repairs upon its works, in any highway,
19 way or street, it shall cause the same to be done with as
20 little obstruction to public travel as may be practicable, and
21 shall, at its own expense, without unnecessary delay, cause

22 the earth and pavement then removed by it to be replaced
23 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 struct-
5 ures; and may locate, erect, lay and maintain poles, wires,
6 aqueducts, hydrants, lines of pipe, and other necessary struct-
7 ures 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 any of the said purposes of incorporation. It may enter
11 upon such land to make surveys and locations and shall file
12 in the registry of deeds in the county of Kennebec, plans
13 of such locations, and lands, showing the property taken,
14 and no entry shall be made upon any lands, excepting to
15 make surveys, until the expiration of ten days from said
16 filing; and with such plan the corporation may file a state-
17 ment of the damages it is willing to pay for any property
18 so taken, and if the amount finally awarded does not exceed
19 that sum, the corporation shall recover costs against such
20 parties, otherwise such parties shall recover costs against
21 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 coun-
6 ty of Kennebec and cause such damages to be assessed in
7 the same manner and under the same conditions as are pre-
8 scribed by law in the case of damages by the laying out of
9 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 commission-
13 ers aforesaid, such sum as may be finally awarded as dam-
14 ages, with costs when recovered by him, within ninety days
15 after notice of final judgment shall have been received by
16 the clerk of courts of said county, the said location shall
17 be thereby invalid, and the said corporation shall forfeit
18 all rights under the same as against such land owner. In
19 case the said corporation shall begin to occupy such land
20 before the rendition of final judgment the land owner may
21 require the said corporation to file its bond to him with the
22 said county commissioners, in such sum and with such sure-
23 ties as they may approve, conditioned for the payment of
24 the damages that may be awarded. No action shall be
25 brought against the said corporation for such taking, hold-
26 ing and occupation until after such failure to pay or deposit
27 as afore mentioned.

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

5 the same manner and with the same effect. No action
6 shall be brought for the same until after expiration of the
7 time of payment and a tender by said company may be made
8 with the same effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to make
2 contracts with the United States, the state of Maine, the
3 county of Kennebec, the towns of Mount Vernon and Vi-
4 enna, and with any village corporation in said towns and
5 with the inhabitants thereof or any corporation doing busi-
6 ness therein, or water district, for the supply of water for
7 any and all the purposes contemplated in this act; and the
8 said towns by their proper officers, are hereby authorized
9 to enter into any contract with the said corporation for
10 electricity for lighting, or for other purposes, also for wa-
11 ter for any and all purposes mentioned in this act, for a
12 term of years, and in consideration thereof to relieve said
13 corporation from such public burdens by abatement or other-
14 wise as said towns, village corporations or water district
15 may agree upon; and said contract shall be legal and bind-
16 ing upon all parties thereto. And the said towns of Mount
17 Vernon and Vienna may raise money for this purpose in
18 the same manner as for other town charges.

Sect. 10. Whoever shall knowingly or maliciously cor-
2 rupt the water supply of the said corporation, whether frozen
3 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 pro-

visions of section seven, chapter fifty-six of Revised Statutes, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

Sect. 11. The capital stock of said corporation shall be five thousand dollars (\$5,000) which may be increased to any sum not exceeding twenty thousand dollars (\$20,000), by a majority vote of the stockholders of the said corporation; and the stock shall be divided into shares of fifty dollars (\$50.00) each.

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

Sect. 13. The said corporation may issue its bonds for the construction of its works, of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding its capital stock subscribed and actually paid for, and secure the same by mortgage of its franchise and property.

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

Sect. 15. Said town of Mount Vernon 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 should be
17 no appeal.