

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 170

House of Representatives, Feb. 8, 1917.

*Referred to Committee on Legal Affairs and one thousand
copies ordered printed. Sent up for concurrence.*

W. R. ROIX, Clerk.

• *Presented by Mr. Murphy of Calais.*

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to incorporate the Calais Water and Power Company.

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

Section 1. Samuel C. Manley of Augusta, Josiah S.
2 Maxcy and Weston Lewis of Gardiner, in the county of
3 Kennebec, their associates, successors and assigns be and
4 hereby are made a corporation by the name of the Calais
5 Water and Power Company for the purpose of supplying
6 the city of Calais and any adjoining municipalities and the
7 inhabitants thereof with water for domestic, sanitary, and
8 municipal purposes including the extinguishment of fires; and

9 such corporation shall possess all the powers and be subject
10 to all the liabilities and obligations imposed upon similar
11 corporations by law.

Sect. 2. The capital stock of said company shall be one
2 hundred thousand dollars, which may be increased or dimin-
3 ished at any time at a duly notified meeting of the stock-
4 holders thereof by a majority vote, subject, however, to the
5 approval of the Public Utilities Commission.

Sect. 3. Said corporation is hereby authorized to acquire
2 by purchase or otherwise, mortgage, sell and convey such
3 real estate and personal property as may be necessary or con-
4 venient for carrying out the purposes of the corporation, and
5 may from time to time, upon the security of its property,
6 issue such bonds, debentures or other evidences of indebted-
7 ness, and in such amounts, as may be authorized by law or
8 approved by the Public Utilities Commission.

Sect. 4. Said corporation is hereby authorized to acquire
2 by purchase or otherwise and to hold the property, capital
3 stock, rights, privileges, immunities, and franchises of any
4 corporation, individual, firm, association now or hereafter
5 authorized by law to supply water for domestic, sanitary,
6 and municipal purposes including the extinguishment of fires
7 to any municipality or the inhabitants thereof, within Wash-
8 ington county or contiguous thereto, and is expressly and
9 specifically authorized to acquire by purchase or otherwise
10 and to hold the property, capital stock, rights, privileges,
11 immunities and franchises of the Maine Water Company,

12 including all rights, privileges and franchises, granted to it
13 by Chapter 207 of the Private and Special Laws of 1915, the
14 Calais Water Company and the Saint Croix Electric Light
15 and Water Company, and said Maine Water Company,
16 Calais Water Company and Saint Croix Electric Light and
17 Water Company are hereby authorized to sell, convey and
18 transfer to the Calais Water and Power Company all their
19 property, rights, privileges, immunities and franchises afore-
20 said upon such terms as may be mutually agreed upon, sub-
21 ject, however, to the approval of the Public Utilities Com-
22 mission; and upon such purchase and transfer the Calais
23 Water and Power Company shall have, hold, possess, and
24 exercise all the locations, powers, privileges, rights, immuni-
25 ties, franchises, property and estates which at the time of
26 any such purchase and transfer shall be held, possessed or
27 enjoyed by the corporations so selling, or either of them, and
28 shall be subject to all the duties, restrictions and liabilities to
29 which they or either of them, shall then be subject by reason
30 of any charter, contract, general or special law of this state,
31 or otherwise. Whenever this corporation shall have ac-
32 quired all the property, rights, privileges, immunities, and
33 franchises of the Maine Water Company, the Calais Water
34 Company and the Saint Croix Electric Light and Water
35 Company it shall have the right to obtain water for the pur-
36 pose of its incorporation by contract with any corporation,
37 partnership, individual or association or municipality within
38 the state of Maine or the Dominion of Canada.

Sect. 8. Whenever said corporation shall have acquired
2 the property, rights, franchises, immunities and privileges of
3 the Maine Water Company, the Calais Water Company, and
4 the Saint Croix Electric Light and Water Company upon
5 such terms as may be approved by the Public Utilities Com-
6 mission, it shall have the power, by right of eminent domain
7 as hereinafter provided, which right is hereby expressly
8 delegated to said corporation, to take as for public uses and
9 hold any land or interest therein or water rights necessary
10 for dams, for flowage, for power for pumping its water
11 supply through its mains, for preserving the purity of the
12 water and watershed, and for laying and maintaining
13 aqueducts, hydrants, pipe lines, and other structures for
14 taking, distributing, discharging and disposing of water, and
15 particularly and expressly to take and hold, divert and use
16 the waters of East Magurrewock Lake, or West Magurre-
17 wock Lake, or otherwise known as Howard Lake, or both, in
18 Washington county, or any of the tributaries or outlet waters
19 thereof and the waters of any springs, lakes or ponds in the
20 city of Calais, or vicinity, which may be necessary or con-
21 venient as principal or auxiliary sources of supply for the
22 furnishing of water as aforesaid for the purposes of said
23 corporation; and to erect dams, build piers or other struc-
24 tures necessary for the operation of the plant of said cor-
25 poration and to raise the head of water in any of said lakes,
26 ponds, their tributaries or outlets, necessary to form reser-
27 voirs to hold sufficient supply for the purposes of said cor-

28 poration and to take and hold so much of the watershed of
29 said lakes or ponds and any of their tributaries or outlets in
30 the city of Calais, and the towns of Robbinston, Baring, and
31 Charlotte and adjoining towns, as may be necessary to pre-
32 serve the purity of said water supply, and to lay in and
33 through any public streets and highways and across any
34 private lands necessary or convenient to conduct said water
35 for the purpose aforesaid, and to that end to take and hold
36 any lands, easements or otherwise as may be necessary to
37 conduct said waters as aforesaid, and the right of eminent
38 domain is hereby expressly granted and delegated to said
39 corporation.

Sect. 6. Said corporation is hereby authorized to lay
2 down and maintain, under, through and across the highway,
3 ways, streets and railroads in said city or towns any and all
4 necessary aqueducts, pipes, and fixtures as may be necessary
5 for the objects of its incorporation, and to enter upon and
6 take up any road, street or way in said city or towns, for the
7 purposes aforesaid, and to erect along said streets and ways
8 any hydrants, drinking fountains, or other distributing facili-
9 ties that may be necessary, convenient or useful for the pur-
10 poses of said corporation, and in a general way to do any
11 other acts or things necessary, convenient or proper to be
12 done for the complete establishment and maintenance of its
13 works and plant; provided always, that the company shall at
14 its own expense and to the satisfaction of the municipal
15 officers of said city of Calais and other towns in which said

16 works are established without unnecessary delay, repair the
17 said highways, streets, and ways in every part where they
18 shall be so entered upon and dug up, and restore the cover-
19 ing, pavement and sidewalks thereof respectively.

Sect. 7. Said company shall be liable in all cases to repay
2 to said city all sums of money that said city may be obliged
3 to pay on any judgment recovered against said city for dam-
4 ages occasioned by any obstruction, or digging up, or dis-
5 placement of any street by said corporation, together with
6 counsel fees and other expenses necessarily incurred in de-
7 fending said city in actions therefor; provided, however, that
8 said company shall have notice in writing of the commence-
9 ment of any and all suits for such damage, and said company
10 shall have the right to defend any such action at its own
11 expense.

Sect. 8. Said corporation, subject to the approval of the
2 Public Utilities Commission, is hereby authorized to acquire
3 by purchase or otherwise and to hold the property, capital
4 stock, securities, plants, locations, rights, privileges, immuni-
5 ties and franchises of any corporation, individual, firm or
6 association engaged in manufacturing, generating, transmit-
7 ting, selling, distributing and supplying gas and electricity,
8 either or both, for lighting, heating, transportation, manu-
9 facturing, and mechanical purposes, all of which property,
10 capital stock, securities, plants, locations, rights, privileges,
11 immunities and franchises any such corporation individual,
12 firm or association shall have the right to sell, convey, and

13 transfer to this corporation, and when so acquired by pur-
14 chase or otherwise said company in its own name and right
15 shall have, exercise and enjoy all the locations, powers, im-
16 munities, franchises, rights, and estates, including the right of
17 eminent domain then held and enjoyed by such corporation,
18 individual, firm or association, which right of eminent domain
19 is hereby expressly delegated to this corporation, to have and
20 exercise the same in its own right, and to take as for public
21 uses any lands which may be necessary or convenient, for
22 the purpose of carrying on the business and objects of the
23 corporation, individual, firm, or association so acquired.

Sect. 9. Whenever this corporation shall have acquired by
2 purchase or otherwise all the property, capital stock, rights,
3 privileges, immunities and franchises and all other rights of
4 the Maine Water Company, the Calais Water Company and
5 the Saint Croix Electric Light and Water Company, said
6 Maine Water Company, the Calais Water Company and the
7 Saint Croix Electric Light and Power Company shall have
8 the benefit of the provisions of Section thirty-three of Chap-
9 ter fifty-one of the Revised Statutes of nineteen hundred and
10 sixteen.

Sect. 10. Whenever this corporation shall exercise any of
2 the rights of eminent domain herein or otherwise granted,
3 proceedings shall be had according to the provisions of
4 Chapter sixty-one of the Revised Statutes of nineteen hun-
5 dred and sixteen.

Sect. 11. The first meeting of said corporation may be

2 called by a written notice thereof signed by any two incor-
3 porators heretofore named, served upon each incorporator
4 by copy of same given in hand or mailed postage prepaid at
5 least seven days before the day named therein for such meet-
6 ing, but if all of the incorporators herein named are present
7 at such meeting and sign upon the record a waiver of notice
8 thereof no such written notice shall be required.