

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 172

House of Representatives, February 22, 1921.

Reported by Mr. Oram from Committee on Public Utilities
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Incorporate the Cumberland Center Water Com-
pany and to Authorize that Company to Take Over the
Properties of the Cumberland Water Company.

Emergency Preamble. Whereas, the inhabitants of the
village of North Yarmouth in the town of North Yarmouth,
and the inhabitants of the village of Cumberland Center in
the town of Cumberland have heretofore been supplied with
water for domestic and sanitary purposes by the Cumberland
Water Company, and whereas said Cumberland Water Com-
pany has been by the decree of the supreme judicial court for
the county of Cumberland placed in the hands of a receiver

and the properties of said Cumberland Water Company have been ordered to be sold by the receiver of said company, and it is imperative that some method be adopted by which the supply of water for domestic and sanitary purposes may be continued for the health and welfare of the inhabitants of said villages, and whereas it is impossible to secure any individual who will undertake to purchase said properties and continue said service, and whereas said properties are likely to be sold and dismantled and said service discontinued, and whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section sixteen of article thirty-one of the Constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety, now therefore,

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

Section 1. Frank H. Chase, Arno S. Chase, James L. 2 Dunn, Henry M. Moulton, Edward B. Osgood, Lester B. 3 Bragg, Perry D. Burnell, all of the town of Cumberland, 4 and George W. Smith, of the town of North Yarmouth, 5 their associates, successors, and assigns are hereby made 6 a corporation by the name of "Cumberland Center Water 7 Company" for the purpose of supplying the towns of North 8 Yarmouth and Cumberland, in the county of Cumberland 9 and the inhabitants thereof with pure water for domestic, 10 sanitary, and municipal purposes with all the rights and 11 privileges and subject to all the liabilities and obligations 12 of similar corporations under the laws of this state.

Sect. 2. Said corporation for said purposes may retain,

2 collect, take, store, use and distribute water from any
3 springs or wells, that it may acquire by purchase of the
4 owner thereof, and also from ponds, streams, or other
5 sources in said towns of North Yarmouth and Cumberland,
6 and may locate, construct and maintain cribs, reservoirs,
7 dams, standpipes, gates, hydrants, pipes and all other nec-
8 essary structures to conduct and distribute the same
9 through the said towns of North Yarmouth and Cumber-
10 land in the usual manner, provided that nothing herein
11 contained shall authorize the said corporation to parallel
12 the mains of the Portland Water District nor authorize the
13 said corporation to furnish water in the territory where
14 the said district is now supplying water; without the con-
15 sent of said district nor shall the said district parallel the
16 mains of this corporation or supply water in the territory
17 in which said Cumberland Water Company has heretofore
18 supplied water, without the consent of said Cumberland
19 Center Water Company; but the said Portland Water Dis-
20 trict may contract with said Cumberland Center Water
21 Company to supply water to said company under such
22 terms as may be agreed upon and approved by the Public
23 Utilities Commission.

Sect. 3. The sale of the rights, properties, and franchises
2 of the North Yarmouth Water Company to Frederick W.
3 Graham by deed dated October twenty-eight, nineteen hun-
4 dred and fourteen, recorded in Cumberland registry of
5 deeds in book nine hundred and thirty-eight, page two hun-
6 dred and twenty-three, and the sale of said rights, proper-

7 ties, and franchises by said Graham to the Cumberland
8 Water Company by deed dated October twenty-nine, nine-
9 teen hundred and fourteen, and recorded in said registry
10 book nine hundred and thirty-eight, page two hundred and
11 forty-one, are hereby legalized, and the Cumberland Cen-
12 ter Water Company is hereby authorized and empowered
13 to acquire by purchase from the receiver of the Cumber-
14 land Water Company the entire rights, properties and fran-
15 chises of said Cumberland Water Company, and the receiver
16 of said company is authorized and empowered to sell and
17 convey the same to said Cumberland Center Water Com-
18 pany under and pursuant to the order and decree of the
19 justice of the supreme judicial court for the county of Cum-
20 berland, in which court said receivership is now pending.

Sect. 4. The place of business of said corporation shall
2 be at Cumberland Center in said town of Cumberland, coun-
3 ty of Cumberland, and state of Maine.

Sect. 5. 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 and bridges in said towns, and to take up, replace
5 and repair all such sluices, aqueducts, pipes, hydrants, and
6 structures as may be necessary for the purposes of its in-
7 corporation, so as not to unreasonably obstruct the same,
8 under such reasonable restrictions and conditions as the se-
9 lectmen of said towns may impose.

Sect. 6. Said corporation shall have power to cross any
2 water course, private and public sewer, or to change the di-

3 rection thereof, when necessary for the purposes of its in-
4 corporation, but in such manner as not to obstruct or im-
5 pair the use thereof. Whenever said company shall lay
6 down any fixtures in any highway, way or street, or make
7 any alterations or repairs, upon its works in any highway,
8 way or street, it shall cause the same to be done with as
9 little obstruction to public travel as may be practicable,
10 and shall, at its own expense, without unnecessary delay,
11 cause the earth there removed by it, to be replaced in proper
12 condition.

Sect. 7. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person by the tak-
3 ing of any land or property, or by flowage, or by excavat-
4 ing through any land for the purpose of laying down pipes
5 and aqueducts, building dams, reservoirs, and also damages
6 for any other injuries resulting from said acts; and if any
7 person sustaining damages as aforesaid, and said corpora-
8 tion cannot mutually agree upon the sum to be paid there-
9 for, either party on petition to the county commissioners of
10 Cumberland county, may have the damages assessed by
11 them; and subsequent proceeding and rights of appeal
12 thereon, shall be had in the same manner and under the
13 same conditions, restrictions and limitations as are by law
14 provided in case of land taken for railroads.

Sect. 8. Said corporation may hold real and personal es-
2 tate necessary and convenient for all its said purposes.

Sect. 9. For accomplishing the purposes of this act, the
2 said Cumberland Center Water Company is authorized to

3 borrow money temporarily by a majority vote of its direct-
4 ors, and to issue therefor the notes of the corporation, and
5 for the purpose of refunding the indebtedness so created
6 and of paying any necessary expenses incurred under the
7 provisions of this act, the said corporation may from time
8 to time issue the bonds of the corporation to an amount
9 not exceeding the capital stock thereof upon such rates and
10 terms as its directors may deem expedient and secure the
11 same by mortgage of the franchises and properties of said
12 corporation.

Sect. 10. The capital stock of said corporation shall be
2 ten thousand dollars, said stock to be divided into one hun-
3 dred shares of one hundred dollars each.

Sect. 11. The first meeting of this corporation may be
2 called by written notice, signed by any one of the incor-
3 porators, at least four days before the day of said meet-
4 ing, but any meeting of such incorporators without such
5 notice at which all of said incorporators shall be present
6 shall be valid as if duly called and notified.

Sect. 12. Said corporation is hereby authorized to make
2 contracts with said towns of North Yarmouth and Curri-
3 berland, and with other corporations and individuals, for
4 the purpose of supplying water for municipal and other
5 purposes; and said towns by their selectmen are hereby
6 authorized to enter into contracts with said company for
7 the supply of water, with such exemption from public bur-
8 den as said towns and said company agree upon, which,

9 when made, shall be legal and binding upon all parties
10 thereto.

Sect. 13. Nothing herein contained is intended to repeal or
2 shall be construed as repealing the whole or any part of
3 any existing statute, and all the rights and duties herein
4 mentioned shall be exercised and performed in accordance
5 with all the applicable provisions of chapter fifty-five of
6 the revised statutes and acts amendatory thereof or addi-
7 tional thereto.

Sect. 14. In view of the emergency cited in the preamble
2 this act shall take effect when approved.