

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 433

House of Representatives, March 21, 1923.

Reported by Mr. Reed 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-THREE

AN ACT to Incorporate the North Village Water Company.

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

Section 1. Corporators; name. Warren B. Clark, Morris
2 W. Clark, Edwin F. Pratt, Fred Knowles, Charles B. Clark
3 and Cora A. Clark, with their associates and successors,
4 be and are hereby made a corporation under the name of
5 North Village Water Company, for the purpose of sup-
6 plying the inhabitants of the village of North New Portland
7 in the town of New Portland, with pure spring water for
8 domestic, sanitary and municipal purposes; and such corpo-
9 ration shall possess all the powers and privileges and be

10 subject to all the liabilities and obligations imposed upon
11 corporations by law, except as herein otherwise provided.

Sect. 2. Village defined. Beginning at the intersection
2 of the highways in North New Portland village where the
3 road leading into said village from Concord intersects with
4 the road leading through said village from North Anson
5 to Dead River, thence on the road to Dead River seventy-
6 one (71) rods to a point nearly opposite the residence of
7 Sumner P. Taylor; thence from said intersection on the
8 road to North Anson fifty-six (56) rods to a point nearly
9 opposite the residence of Ezra Gamage; thence from said
10 intersection on the road to Concord two hundred and forty-
11 five (245) rods to a point nearly opposite the road leading
12 from said road to Concord on to Fletcher hill in the town
13 of Embden; also beginning at the intersection of the high-
14 ways in said village where the road leading into said vil-
15 lage from Kingfield intersects with the road leading through
16 said village from North Anson to Dead River, thence on
17 the road to Kingfield one hundred fifteen (115) rods to a
18 point nearly opposite the residence of John Hicks; also be-
19 ginning at the intersection of the highways in said village
20 where the road leading into said village from East New
21 Portland intersects with the road leading from said village
22 to Kingfield, thence on said road to East New Portland
23 eighty-five (85) rods to a point nearly opposite the resi-
24 dence of Clark J. Luce; including all the territory within
25 the radius of the extreme points herein described.

Sect. 3. Place of business. The place of business of said
2 corporation shall be at North New Portland village, in the
3 town of New Portland, in the county of Somerset and state
4 of Maine.

Sect. 4. Supply. For any of the purposes aforesaid the
2 said corporation is hereby authorized to take and use water
3 from any spring or springs in the town of New Portland
4 or that part of the town of Embden, known as Fletcher
5 Hill and Black Hill in Somerset county, and to survey for,
6 locate, construct and maintain all suitable and convenient
7 dams, reservoirs, sluices, wells, buildings, machinery, lines
8 of pipe, aqueducts, structures and appurtenances.

Sect. 5. Territory; construction; liability. The said cor-
2 poration is hereby authorized to lay, construct and main-
3 tain its lines of pipe in the said town of New Portland and
4 that portion of the town of Embden, known as Fletcher
5 Hill and Black Hill, and to build and maintain all neces-
6 sary structures therefor, at such places as shall be neces-
7 sary for the said purposes of said corporation; and to cross
8 any water course, private or public sewer, or to change the
9 direction thereof, when necessary for their said purpose of
10 incorporation, but in such manner as not to obstruct or im-
11 pair the use thereof, and the said corporation shall be liable
12 for any injury caused.

Sect. 6. Powers and duties as to construction of system.
2 The said corporation is hereby authorized to lay, construct
3 and maintain in, under, through, along, over and across the

4 highways, ways, streets, streams, rivers and bridges in the
5 said town of New Portland and the aforesaid portion of
6 the town of Embden, and to take up, replace and repair,
7 all such aqueducts, sluices, pipes and other structures and
8 fixtures, as may be necessary and convenient for any of
9 the said purposes of the said corporation, under such rea-
10 sonable restrictions and conditions as the selectmen of the
11 town may impose; and in case of the crossing of any rail-
12 road, unless consent is given by the company owning or
13 operating such railroad as to place, manner and conditions
14 of the crossing, within thirty days after such consent is
15 requested by said water company, the public utilities com-
16 mission shall determine the place, manner and conditions
17 of all such crossings, and all work done within the limits
18 of such railroad location shall be done under the super-
19 vision and to the satisfaction of such railroad company, but
20 at the expense of said water company, and the said cor-
21 poration shall be responsible for all damage to the said
22 towns and to all corporations, persons, and property, occa-
23 sioned by such use of the highway, ways, and streets.
24 Whenever the said corporation shall lay down or construct
25 any pipes or fixtures in any highway, way or street or make
26 any alteration or repair upon its works, in any highway,
27 way or street, it shall cause the same to be done with as
28 little obstruction to public travel as may be practicable, and
29 shall, at its own expense, without unnecessary delay, cause

30 the earth and pavement then removed by it, to be placed
31 in proper condition.

Sect. 7. May take over lands; procedure. The said cor-
2 poration is hereby authorized to take and hold by purchase
3 or otherwise any land necessary for flowage, and also for
4 its drains, reservoirs, gates, buildings and other necessary
5 structures, and may locate, erect, lay and maintain aque-
6 ducts, lines of pipe, and other necessary structures or fix-
7 tures, in, over and through such land for such location,
8 construction and erection. And in general to do any act
9 necessary, convenient or proper for carrying out any of
10 the said purposes of incorporation. It may enter upon such
11 land to make surveys and locations, and shall file in the
12 registry of deeds in the county of Somerset plans of such
13 locations and lands, showing the property taken, and with-
14 in thirty days thereafter publish notices of such filing in
15 some newspaper in said county, such publication to be con-
16 tinued three weeks successively. Not more than two rods
17 in width of land shall be occupied by more than one line
18 of pipe or aqueduct.

Sect. 8. Procedure in case of disagreement. Should the
2 said corporation and the owner of such land be unable to
3 agree upon the damage to be paid for such location, taking,
4 holding, flowing and construction, the land owner or said
5 corporation may, within twelve months after said filing of
6 plans of location, apply to the commissioners of said county
7 of Somerset, and cause such damages to be assessed in the

8 same manner and under the same conditions as are pre-
9 scribed by law in the case of damages by the laying out
10 of highways, as far as such law is consistent with the pro-
11 visions of this act. If said corporation shall fail to pay
12 such land owner, or deposit for his use with the clerk of
13 the county commissioners aforesaid such sum as may be
14 finally awarded as damages, with costs when recovered by
15 him, within ninety days after notice of final judgment shall
16 have been received by the clerk of courts of said county,
17 the said location shall be thereby invalid, and the said cor-
18 poration shall forfeit all rights under the same as against
19 such land owner. In case the said corporation shall begin
20 to occupy such land before the rendition of final judgment
21 the land owner may require the said corporation to file its
22 bond to him with the said county commissioners, in such
23 sum and with such sureties as they may approve, conditioned
24 for said judgment or deposits. No action shall be brought
25 against the said corporation for such taking, holding and
26 occupation until after such failure to pay or deposit as
27 aforesaid.

Sect. 9. Damages caused by the taking of water. Any
2 person suffering damage by the taking of water by said
3 company as provided by this act, may have his damage as-
4 sessed in the same manner as provided in the preceding
5 section, and payment therefor shall be made in the same
6 manner and with the same effect. No action shall be
7 brought for the same until after expiration of the time of

8 payment and a tender by said company may be made with
9 the same effect as in the preceding section.

Sect. 10. Contracts for supply of water. The said cor-
2 poration is hereby authorized to make contracts with the
3 United States, the state of Maine, the county of Somerset,
4 the town of New Portland and with any village corpora-
5 tion in the said town and with the inhabitants thereof, or
6 any corporation doing business therein or water district,
7 for the supply of water for any and all the purposes con-
8 templated in this act; and the said town of New Portland,
9 or village corporation in said town, by its proper officers,
10 is hereby authorized to enter into any contract with the said
11 corporation for a supply of water for any and all purposes
12 mentioned in this act, and in consideration thereof to re-
13 lieve said corporation from such public burdens by abate-
14 ment or otherwise as said town, village corporation, or wa-
15 ter district may agree upon, and said contract shall be legal
16 and binding upon all parties thereto.

Sect. 11. Purchase of supply of water. The said cor-
2 poration is hereby authorized to make purchase from the
3 North Village Water Company, a corporation duly organ-
4 ized under the laws of the state of Maine, chapter fifty-
5 six, revised statutes of nineteen hundred and three, and
6 doing business at said North New Portland village, of all
7 its lands, springs, reservoirs, pipe lines, buildings, structures,
8 appurtenances, and including all assets and liabilities of
9 said company; and the said North Village Water Company

10 is hereby authorized to sell all its property, rights and privi-
11 leges to the said corporation at a price to be fixed and
12 agreed upon by the two interested corporations, subject to
13 the approval of the public utilities commission.

Sect. 12. Capital stock. The capital stock of the said
2 corporation shall be ten thousand dollars; and the stock
3 shall be divided into shares of ten dollars each.

Sect. 13. May hold real and personal estate. The said
2 corporation, for all its said purposes, may hold real and
3 personal estate necessary and convenient therefor.

Sect. 14. Bond issue authorized. The said corporation,
2 subject to the approval of the public utilities commission,
3 may issue its bonds for the construction of its works, of
4 any and all kinds, upon such rates and time as it may deem
5 expedient, to an amount not exceeding its capital stock
6 subscribed for and to secure the same by mortgage of its
7 franchise and property.

Sect. 15. First meeting, how called. The first meeting
2 of the corporation shall be called by a written notice there-
3 for, signed by any two of the named incorporators, served
4 upon each named incorporator by giving him the same in
5 hand, or by leaving same at his last and usual place of
6 abode, or by mailing same to his last known address, post-
7 age prepaid, at least seven days before the time of meeting,
8 or by publishing said notice in some newspaper published
9 in the county of Somerset.

Sect. 16. Prior acts still in force. Nothing herein con-

2 tained is intended to repeal or shall be construed as repeal-
3 ing the whole or any part of any existing statute, and all
4 the rights and duties herein mentioned shall be exercised
5 and performed in accordance with all the applicable pro-
6 visions of chapter fifty-five of the revised statutes, and acts
7 amendatory thereof and additional thereto.