

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 442

H. P. 391 House of Representatives, March 22, 1927.

Reported by Mr. Comins from Committee on Public Utilities
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Blaisdell of Franklin.

STATE OF MAINE

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

AN ACT to Incorporate the Franklin Water Company.

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

Section 1. *Corporators.* P. L. Homer, W. E. Bragdon
2 and C. C. Blaisdell, William F. Jordan and H. L. Fernald,
3 all of the town of Franklin, Hancock county, Maine, their
4 associates, successors and assigns, are hereby made a cor-
5 poration by the name Franklin Water Company, for the
6 purpose of supplying the village of Franklin in the county
7 of Hancock and the inhabitants of said town with pure
8 water for domestic, sanitary and municipal purposes, in-
9 cluding the extinguishment of fires, with all the rights and
10 privileges, and subject to all the liabilities and obligations
11 of similar corporations under the laws of this state.

Sect. 2. Said company for said purposes may retain, collect, take, store and distribute water from any springs or wells that it may acquire by purchase of the owners thereof, or from any ponds, streams or other sources in said town of Franklin and may locate, construct and maintain cribs, reservoirs, dams, stand-pipes, gates, hydrants, pipes and all other necessary structures to conduct and distribute the same through said town of Franklin.

Sect. 3. *Location.* The place of business of said corporation shall be at Franklin, in the county of Hancock and state of Maine, and its business shall be confined to said town of Franklin in said county.

Sect. 4. Said corporation is hereby authorized for the purposes aforesaid, to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said town may impose. It shall be responsible for all damage to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town for damages for obstruction caused by said company and for all expenses including reasonable counsel fees incurred in defending such suits with interest on the same, provided

16 said company shall have notice of such suits and oppor-
17 tunity to defend the same.

Sect. 5. Said company shall have power to cross any
2 water course, private and public sewer, or to change the
3 direction thereof, when necessary for the purposes of its
4 incorporation, but in such manner as not to obstruct or im-
5 pair the use thereof, and it shall be liable for any injury
6 caused thereby. Whenever said company shall lay down
7 any fixtures in any highway, way or street, or make any
8 alterations or repairs upon its works in any highway, way
9 or street, it shall cause the same to be done with as little ob-
10 struction to public travel as may be practicable, and shall,
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced in
13 proper condition.

Sect. 6. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person by the taking
3 of any land or other property or by flowage, or by exca-
4 vating through any land for the purposes of laying down
5 pipes and aqueducts, building dams, reservoirs, and also
6 damages for any other injury resulting from said acts; and
7 if any person sustaining damage as aforesaid, and said cor-
8 poration cannot mutually agree upon the sum to be paid
9 therefor, either party on petition to the county commis-
10 sioners of Hancock county, may have the damages assessed
11 by them; and subsequent proceedings 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. 7. Said corporation may hold real and personal es-
2 tate necessary and convenient for all its said purposes to
3 the amount of thirty thousand dollars.

Sect. 8. Said corporation may issue its bonds for the con-
2 struction of its works, upon such rates and terms as it may
3 deem expedient, not exceeding thirty-five thousand dollars
4 and secure the same by mortgage of the franchise and prop-
5 erty of said company.

Sect. 9. The capital stock of the said corporation shall
2 be thirty-five thousand dollars and said stock to be divided
3 into three thousand five hundred shares of ten dollars each.

Sect. 10. The first meeting of this corporation may be
2 called by a written notice, signed by any one of the incor-
3 porators and served upon each of the other incorporators
4 at least seven days before the day of said meeting.

Sect. 11. Said corporation is hereby authorized to make
2 contracts with said town of Franklin, and with other cor-
3 porations and individuals, for the purpose of supplying
4 water for municipal and other purposes; and said town by
5 its selectmen, is hereby authorized to enter into contract
6 with said company for the supply of water with such ex-
7 emptions from public burden as said town and said water
8 company may agree upon, which, when made, shall be legal
9 and binding upon all parties thereto.

Sect. 12. Said town of Franklin may at any time after

2 the expiration of five years from the opening for use and
3 service of a system of water works constructed by said cor-
4 poration and after a vote in a legal town meeting to that
5 effect has been passed, shall have the right to purchase and
6 by this act said corporation is required to sell to said town
7 said system of water works including everything appertain-
8 ing thereto, and if said town and corporation cannot agree
9 upon the terms, upon such terms and price as shall be de-
10 termined and fixed by the chief justice of the supreme court
11 of the state of Maine, after due hearing of the said parties
12 interested, and from the decision of said chief justice, there
13 shall be no appeal.