

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 538

H. P. 1508

House of Representatives, Feb. 28, 1929.

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

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the Franklin Water Company.

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

Section 1. *Corporators; corporate name; purposes.* P. L.
2 Homer, W. E. Bragdon, C. C. Blaisdell, William F. Jordan
3 and H. L. Fernald, all of the town of Franklin, Hancock
4 county, their associates, successors and assigns, are hereby
5 made a corporation by the name Franklin Water Com-
6 pany, for the purpose of supplying the village of Franklin
7 in the county of Hancock and the inhabitants of said town
8 with pure water for domestic, sanitary and municipal pur-
9 poses, including the extinguishment of fires, with all the
10 rights and privileges and subject to all the liabilities and

11 obligations of similar corporations under the laws of this
12 state.

Sect. 2. *Source of supply; may construct dams, lay pipes;*
2 *etc.* Said company for said purposes may retain, collect,
3 take, store and distribute water from any springs or wells
4 that it may acquire by purchase of the owners thereof, or
5 from any ponds, streams or other sources in said town of
6 Franklin and may locate, construct and maintain cribs,
7 reservoirs, dams, standpipes, gates, hydrants, pipes and all
8 other necessary structures to conduct and distribute the
9 same through said town of Franklin.

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

Sect. 4. *Authorized to lay pipes in streets; responsibility*
2 *for damages.* Said corporation is hereby authorized for
3 the purposes aforesaid, to lay, construct and maintain in,
4 under, through, along and across the highways, ways, streets,
5 railroads and bridges in said town, and to take up, re-
6 place and repair all such sluices, aqueducts, pipes, hydrants
7 and structures as may be necessary for the purposes of its
8 incorporation, so as not to unreasonably obstruct the same,
9 under such reasonable restrictions and conditions as the
10 selectmen of said town may impose. It shall be responsible
11 for all damages to persons and property occasioned by the
12 use of such highways, ways, and streets, and shall further

13 be liable to pay to said town all sums recovered against said
14 town for damages for obstruction caused by said company
15 and for all expenses including reasonable counsel fees in-
16 curred in defending such suits with interest on the same,
17 provided said company shall have notice of such suits and
18 opportunity to defend the same.

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

Sect. 6. *Damages for flowage and excavation through
2 lands, how assessed.* Said corporation shall be held liable
3 to pay all damages that shall be sustained by any person
4 by the taking of any land or other property or by flowage,
5 or by excavating through any land for the purposes of lay-
6 ing down pipes and aqueducts, building dams, reservoirs,
7 and also damages for any other injury resulting from said

8 acts; and if any person sustaining damage as aforesaid
9 and said corporation cannot mutually agree upon the sum
10 to be paid therefor, either party on petition to the county
11 commissioners of Hancock county, may have the damages
12 assessed by them; and subsequent proceedings and rights
13 of appeal thereon shall be had in the same manner and un-
14 der the same conditions, restrictions and limitations as are
15 by law provided in case of land taken for railroads.

Sect. 7. *Right to hold property limited.* Said corporation
2 may hold real and personal estate necessary and convenient
3 for all its said purposes to the amount of thirty thousand
4 dollars.

Sect. 8. *Authorized to issue bonds.* Said corporation may
2 issue its bonds for the construction of its works, upon such
3 rates and terms as it may deem expedient, not exceeding
4 thirty-five thousand dollars and secure the same by mort-
5 gage of the franchise and property of said company.

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

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

Sect. 11. *Authorized to make contracts for supplying wa-*

2 *ter.* Said corporation is hereby authorized to make con-
3 tracts with said town of Franklin, and with other corpora-
4 tions and individuals, for the purpose of supplying water
5 for municipal and other purposes; and said town by its se-
6 lectmen, is hereby authorized to enter into contract with
7 said company for the supply of water with such exemption
8 from public burden as said town and said water company
9 may agree upon, which, when made, shall be legal and bind-
10 ing upon all parties thereto.

Sect. 12. *Town authorized to purchase water system.* Said
2 town of Franklin may at any time after the expiration of
3 five years from the opening for use and service of a sys-
4 tem of water works constructed by said corporation and
5 after a vote in a legal town meeting to that effect has been
6 passed, shall have the right to purchase and by this act said
7 corporation is required to sell to said town said system
8 of water works, including everything pertaining thereto, and
9 if said town and corporation cannot agree upon the terms,
10 upon such terms and price as shall be determined and fixed
11 by the chief justice of the supreme court of the State of
12 Maine after due hearing of the said parties interested, and
13 from the decision of said chief justice, there shall be no
14 appeal.

Sect. 13. Nothing herein contained is intended to repeal,
2 or shall be construed as repealing, the whole or any part
3 of 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 all acts amendatory thereof or
7 additional thereto.