

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 738

H. P. 1239

House of Representatives, February 26, 1943.

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

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT to Conform and Amend the Charter of the South Berwick
Company, Inc.**

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

Sec. 1. Organization of the South Berwick Water Company ratified. The organization of the South Berwick Water Company, Inc. as recorded in the office of the secretary of state in volume 120, page 232 is ratified, approved and confirmed except as herein modified and said corporation is declared to be a public utility and subject to the jurisdiction of the public utilities commission when and after it shall be discharged from control of the court in the receivership proceeding now pending.

Sec. 2. Statement of purposes amended. The statement of purposes as set forth in the organization papers of the South Berwick Water Company, Inc. is struck out and the following inserted in place thereof:

1. Said corporation is organized for the purpose of furnishing to the people of South Berwick a supply of pure water for domestic, mechanical and manufacturing purposes, and for extinguishing fires and other public uses in said territory, with all of the rights, privileges, immunities, duties and obligations incident to similar corporations.

2. The capital stock of said corporation shall not be more than \$200,000; it may acquire real and personal estate necessary and convenient for the aforesaid purposes; it may issue bonds and other obligations and secure the same by mortgage of its franchise and other property to carry out the purposes for which it is credited, and may lease or sell its rights, franchise and property to the town of South Berwick or to a water district organized within the bounds thereof and said town or such water district is authorized to purchase on such terms as may be agreed upon.

3. Said corporation may take and hold, by purchase or take as for public uses, real estate or easements therein, including the waters of any pond, stream or spring in said South Berwick or in that vicinity, necessary for a sufficient supply of water, for the construction of reservoirs, dams, stand pipes and hydrants and laying pipes and for protection of the purity of the water and watershed; and it may lay its pipes along the streets and ways of the town aforesaid, and may enter upon and dig up any real estate of any person or corporation for the purpose of laying said pipes and fixtures and maintaining and repairing the same, at its own expense, doing no unnecessary damage thereto, and it may do any other act or thing necessary, convenient and proper to carry out the purposes of this charter. Provided, however, nothing herein contained shall be construed as authorizing said water district to take by right of eminent domain any of the properties or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature nor in any other case except in accordance with the procedure provided for water districts by revised statutes, chapter 69, sections 23, 24, 25 and 26.

4. Any person or corporation injured by the taking of such land, water or other property, shall be paid a just compensation therefor by this corporation, and if said person or corporation and this corporation can not agree upon said compensation, the same shall be determined, on application of either party as is by law provided.