

MAINE STATE LEGISLATURE

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

Legislative Document

No. 151

H. P. 177

House of Representatives, January 22, 1947

Referred to Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Bove of Naples.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Incorporate the Naples Water Company.

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

Sec. 1. Corporators; name; purpose; liabilities. Roland R. Bosworth, Augustus F. Bove, Chester L. Burnham, Lewis B. Fickett, Donald R. Paul and Robert R. Wiggin, all of Naples, Maine, their associates, successors and assigns, are hereby made a corporation to be known as the Naples Water Company, for the purpose of supplying the town of Naples, in the county of Cumberland, and the inhabitants thereof, with pure water, for domestic, sanitary and municipal purposes, including the extinguishing of fires, with all the rights and privileges and subject to all the liabilities and obligations of similar corporations under the laws of this state.

Sec. 2. Acquisition of property. To accomplish its purposes, said company may retain, collect, take, store, use and distribute water from any springs or wells, that it may acquire by purchase of the owner thereof, ponds, streams, or other water sources in said Naples, and may locate, construct and maintain cribs, reservoirs, dams, standpipes, gates, hydrants, pipes and all other necessary structures to conduct and distribute the same through said town of Naples in the usual manner.

Sec. 3. Place of business. The place of business of said corporation

shall be at Naples, in the county of Cumberland and state of Maine, and its business shall be confined to the town of Naples and vicinity in said county.

Sec. 4. Authorized to lay pipes, etc., over public ways, liable for damages. 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 said company shall have notice of such suit and opportunity to defend the same.

Sec. 5. Liability. Said company shall have the power to cross any water course, private and public sewer, or to change the direction thereof, when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. When said company shall lay down fixtures in any highway, way, or street, or make any alterations or repairs, upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavements there removed by it, to be replaced in proper condition.

Sec. 6. Payment of damages. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking of any land or other property, or by flowage, or by excavation through any land for the purpose of laying down pipes and aqueducts, building dams, reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, either party on petition to the county commissioners of Cumberland county, may have the damages assessed by them; and subsequent proceedings and rights of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations, as are by law provided in case of land taken for railroads.

Sec. 7. May hold real and personal property. Said corporation may

take by purchase or otherwise and hold real and personal property necessary and convenient for its said purposes.

Sec. 8. Bonds. Said corporation may issue, subject to the approval of the public utilities commission, its bonds for any of the purposes enumerated in chapter 40 of the revised statutes, 1944, upon such rates and terms as it may deem expedient and secure the same by mortgage upon the franchise and property of the said company.

Sec. 9. Capital stock. The capital stock of said corporation shall be \$100,000. The capitalization of the company may be increased from time to time by vote of the company. The shares of stock of the company shall have a par value of \$10 each.

Sec. 10. When first meeting shall be called. The first meeting of the corporation may be called by written notice, signed by any one of the incorporators and served upon each of the other incorporators at least 7 days before the day set for said meeting.

Sec. 11. Authorized to make contracts. The corporation is hereby authorized to make contracts with the town of Naples and with other corporations and individuals for the purpose of supplying water for municipal and other purposes; and said town, by its selectmen, is hereby authorized to enter into contracts with said company for the supply of water, with such exemption from public burden as said town and said company may agree upon, which, when made, shall be legal and binding upon all parties thereto.