

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. 1280

H. P. 1614

House of Representatives, March 11, 1947

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk

Presented by Mr. Woodbury of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Incorporate the New Gloucester Water Company.

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

Sec. 1. Incorporation. Sidney A. McIntire, Harry P. True, Carlton F. Berry, George M. Hutchison, and Donald C. Chandler with their associates and successors are hereby made a corporation by the name of New Gloucester Water Company, for the purpose of conveying to and supplying the town of New Gloucester with pure water.

Sec. 2. May hold real and personal estate. Said corporation for said purposes may hold real and personal estate necessary and convenient therefor not exceeding \$60,000.

Sec. 3. Source of supply; eminent domain; pipes and reservoirs. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the water of Sabbath Day lake, Lily pond, or either of them, and all streams tributary thereto or running therefrom, in the town of New Gloucester, county of Cumberland and is also authorized to take, detain or use the waters of any stream or spring in said New Gloucester provided nevertheless that said corporation shall be liable for damages sustained by any person in the taking of said streams or springs, and is also authorized

to erect, maintain and repair reservoirs and dams, lay down and maintain pipes and aqueducts necessary for the proper accumulation, conducting, discharging, distributing and disposing of water, and forming proper reservoirs thereof; and said corporation may take and hold by purchase or otherwise, any lands or real estate necessary therefor, and may excavate through any lands, when necessary therefor for the purposes of this incorporation.

Sec. 4. Procedure in eminent domain. 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 excavating through any land for the purpose of laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damages aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of railroads.

Sec. 5. Capital stock of corporation. The capital stock of said corporation shall be \$30,000, which may be increased to \$40,000 by vote of said corporation, and said stock shall be divided into shares of the par value of \$50 each.

Sec. 6. Liability for damages, etc. Said corporation is hereby authorized to lay down, in and through the streets and ways of said town of New Gloucester, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of their incorporation, under such reasonable restrictions as may be imposed by the selectmen of said town. And such corporation shall be responsible for all damages to persons or property occasioned by the use of such streets and ways, and against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same.

Sec. 7. Corporation authorized to make contracts. Said corporation is hereby authorized to make contracts with said town of New Gloucester and with other corporations and individuals for the purposes of supplying water as contemplated by said act; and said town of New Gloucester, by its selectmen, are hereby authorized to enter into contracts with said water company for the supply of water, and for 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.

Sec. 8. Procedure in crossing utility. Said corporation shall have power to cross any private or public sewer, or to change the direction thereof, when necessary for the purposes of their incorporation, but in such manner as not to interfere, obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby; whenever the company shall lay down pipes in any street, or make any alterations or repairs upon its works in any 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 necessary delay, cause the earth and pavements removed by it to be replaced in proper condition.

Sec. 9. Penalty for wilful destruction of property. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Sabbath Day lake or other sources of water used by said corporation, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters or who shall wilfully destroy or injure any property held by said water company, of whatever kind, held or owned by said corporation for the purposes of this act, shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than 1 year or by both such fine and imprisonment, and shall be liable to said corporation for 3 times the actual damage, to be recovered in any proper action.

Sec. 10. Bonds. Said corporation may issue bonds for the construction of its works upon such rates and times as it may deem expedient, not exceeding \$40,000, and secure the same by mortgage of the franchise and property of said company.

Sec. 11. Limitation. In case the works of this corporation have not been put into actual operation within 2 years from the date of approval of this act, the rights and privileges herein granted shall be null and void.

Sec. 12. First meeting. The 1st meeting of said corporation may be called by a written notice thereof, signed by 3 of the incorporators herein named, served upon each by giving him the same in hand or leaving the same at his last and usual abode at least 7 days before the date of the meeting.