

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE
OF THE
STATE OF MAINE
1905.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 391.

An Act to incorporate the Kittery Water and Electric Light Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Horace Mitchell, Calvin L. Hayes, J. L. M. Willis, Thomas F. Staples, James H. Walker, O. S. Paul, James R. Philbrick, Clarence M. Prince and Willard T. Spinney with their associates and successors are hereby made a corporation by the name of the Kittery Water and Electric Light Company, for the purpose of conveying to and supplying the towns of Kittery and Eliot with pure water and electric lights.

Corporators.

--corporate name.

Section 2. Said corporation, for said purpose, may hold real and person estate necessary and convenient therefor, not exceeding one hundred thousand dollars.

May hold necessary real and personal property.

Section 3. Said corporation is hereby authorized for the purposes aforesaid, to take water from any spring, pond or streams in said towns or adjoining towns, provided, that no water be taken from springs or ponds now used for similar purposes without consent of the owner, to erect and maintain pumping stations, with all necessary appliances required thereto, to erect and maintain reservoirs and stand pipes, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disbursing water, and forming proper reservoirs therefor, 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 for the purposes of this corporation.

Authorized to take water from springs, ponds or streams.

--exceptions.

--may maintain reservoirs, etc.

Section 4. Said corporation is hereby authorized for the purposes aforesaid to carry on the business of lighting by electricity or otherwise, such public streets in the towns of Kittery and Eliot, and such buildings and places therein, public and private, as may be agreed upon by said corporation and the owners or those having control of such places to be lighted, and may furnish motive power by electricity or otherwise, within said towns, and may build and operate manufactories and works for providing and supplying electricity, light and power, and may take, lease, purchase and hold real estate, and personal estate therefor, and to construct, lay, maintain, and operate lines of wire or other material for the transmission of electricity or power, upon, under, along and over any and all streets and ways or tide waters under the direction of the municipal officers of said towns.

May supply electricity in towns of Kittery and Eliot.

--may furnish power.

--may operate lines of wire.

Section 5. 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

Damages, liability for.

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through any land for the purposes 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 York 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 and restrictions and limitations as are by law provided in case of damages by laying out highways.

—damages,
how assessed.

Section 6. The capital stock of said corporation shall be not less than one hundred thousand dollars, said stock to be divided into shares of fifty dollars each, with the right to increase said capital stock at any time by vote of the shareholders to an amount not exceeding three hundred thousand dollars.

Capital stock.

May lay pipes
along streets
and ways.

Section 7. Said corporation is hereby authorized to lay down, construct and maintain in, through, over, under and along the streets and ways of said towns of Kittery and Eliot and surrounding towns, or over tide waters in said towns, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of said corporation, under such reasonable restrictions as may be imposed by the selectmen of said towns, and said corporation shall be responsible for all damage to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said towns all sums recovered against said towns for damages from obstructions caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on same.

—or over tide
waters.

—responsi-
bility for
damages
from
occupying
of streets.

May contract
for supplying
electricity.

Section 8. Said corporation is hereby authorized to make contract with said towns of Kittery and Eliot, and with other corporations and individuals, for the purpose of procuring or supplying water, electric lights and power as contemplated by said act; and said towns of Kittery and Eliot by their selectmen, are hereby authorized to enter into contracts with said company for the supply of water, electric lights and power and may make such contracts as said towns and said company may agree upon, which, when made, shall be legal and binding upon all parties thereto.

May cross but
shall not
obstruct
sewers, etc.

Section 9. Said corporation shall have power to cross any private or public sewer, or to change the direction thereof, when necessary for the purposes of this incorporation, and with the consent of the municipal officers may change the direction of the same, but in such a manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury

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caused thereby. Whenever the company shall lay down any pipes in any street, or make any alterations or repairs upon its work 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 unnecessary delay, cause the earth and pavements removed to be replaced in proper condition.

—shall not unnecessarily obstruct streets.

Section 10. This corporation is hereby authorized to acquire and hold by purchase all the property, rights, privileges, immunities and franchise of any existing corporation located in Kittery, Eliot or adjoining towns, organized for similar purposes, upon such terms as may be agreed upon by said corporations, and upon such purchase and transfer said corporation purchasing shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchise, property and estate which at the time of such purchase and transfer shall then be had, held, possessed, exercised and enjoyed by said corporation so selling.

May acquire property and franchises of similar corporations.

Section 11. Said corporation may issue its bonds for the construction of its works, upon such rates and terms as it may deem expedient, not exceeding two hundred thousand dollars, and secure the same by mortgage of the franchise and property of said company.

May issue bonds.

Section 12. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators therein named and served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode seven days before the time of said meeting.

First meeting, notice how given.

Section 13. Said corporation is hereby authorized to procure a supply of water or electricity by contract with any other person or corporation on such terms and under such conditions as may be agreed upon by the parties thereto.

May procure water or electricity from other persons or corporations.

Section 14. This act shall take effect when approved.

Approved March 24, 1905.