

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 31

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to supply the town of Dexter with pure Water.

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

Section 1. The town of Dexter, by its municipal officers
2 or by a commission as hereinafter provided, acting for and
3 in behalf of said town, is authorized and empowered to take
4 water from any lake, pond, stream, brook, spring or other
5 water source, within said town, sufficient for domestic pur-
6 poses in said Dexter, including a sufficient quantity to extin-
7 guish fires, supply hotels, laundries, livery stables and private
8 dwellings, as well as for the sprinkling of lawns and streets,
9 and for manufacturing purposes; and for the purposes afore-
10 said, to convey any of the waters aforesaid by aqueducts or
11 pipes, sunk to any depth desirable for said purposes, and to

12 lay such aqueducts or pipes under or over any water-course,
13 street, railroad, highway or other way, in such manner as
14 not unreasonably to obstruct the same; and to lay down, in
15 and through streets and ways in said town of Dexter, and
16 take up, replace and repair all such aqueducts, pipes or ser-
17 vice pipes, as may be necessary to carry out the purposes of
18 a complete system of water-works.

Sect. 2. For the purpose of carrying out the provisions of
2 this act, said town of Dexter, by its municipal officers, or
3 said commission, shall have power, and are hereby author-
4 ized to take and hold by purchase, or otherwise, any lands
5 or real estate necessary for laying and maintaining pipes,
6 aqueducts, locks, gates, dams, hydrants and reservoirs, for
7 taking, conducting, conveying, holding, discharging and
8 distributing water, and for roadways to be used as approaches
9 thereto, doing no unnecessary damage. The said town, by
10 its municipal officers, or said commission, may enter upon
11 said lands or real estate so taken and held to make surveys
12 and locations, and shall file in the registry of deeds in the
13 county in which such lands or property lies, plans or such
14 lands and locations showing the property taken within said
15 county, and within thirty days thereafter shall publish notice
16 of such taking and filing in some newspaper published in
17 said county wherein said land is taken such publication to be
18 continued three weeks successively, and such filing in the
19 registry of deeds shall be in lieu of any other filing now
20 required by law.

Sect. 3. Should the said town of Dexter, by its municipal
2 officers or said commission, and the owner of such land be
3 unable to agree upon the damages to be paid for such taking,
4 location and holding, the land owner or the town of Dexter
5 by its municipal officers, or said commission, may within
6 twelve months after the filing of said plans and location apply

7 to the commissioners of the county wherein said land lies,
8 who shall cause such damages to be assessed in the same
9 manner, and under the same conditions, restrictions, limita-
10 tions and rights of appeal as are by law prescribed in the case
11 of damages for the laying out of highways, so far as such
12 law is consistent with the provisions of this act.

Sect. 4. The town of Dexter, by its municipal officers, or
2 said commission, are authorized and empowered to con-
3 tract with any person or corporation to construct aqueducts,
4 pipes, dams, locks, gates, hydrants, reservoirs and other
5 structures necessary for a system of water-works, upon lands
6 taken as hereinbefore prescribed.

Sect. 5. For the purpose of carrying into effect the pro-
2 visions of this act, the town of Dexter, at a meeting duly
3 called therefor, may as soon as this act takes effect, if it so
4 elects, or at any time thereafter elect by ballot three water
5 commissioners, whose duty it shall be to perform all such
6 acts for the town as are necessary and convenient for the full
7 operation of this act, and such as may be prescribed by town
8 ordinance or lawfully directed by the municipal officers of
9 said town.

The three persons first chosen, as aforesaid, shall serve
11 one for one year, one for two years, one for three years from
12 the date of the annual March meeting. Their terms of
13 service being designated by the municipal officers of the town
14 of Dexter, and thereafter one commissioner shall be elected
15 by ballot annually at the annual March meeting, to serve for
16 the term of three years. The municipal officers of said town
17 of Dexter may fill any vacancy occurring by death, resigna-
18 tion or otherwise, until such water commissioners are elected,
19 the municipal officers of said town of Dexter shall perform
20 the duties of the water commissioners. Municipal officers of

21 the town of Dexter are eligible to be elected water commis-
22 sioners.

Sect. 6. Said municipal officers of said town of Dexter,
2 or said water commissioners, in case water commissioners are
3 elected as hereinbefore provided, are authorized to fix the
4 rates for water to be paid monthly, quarterly, semi-annually,
5 or annually by persons or corporations supplied with the
6 same, or by the State of Maine if so supplied, and in the same
7 manner determine the conditions and methods of such supply,
8 and shall have general charge and control of the town's water
9 system.

Sect. 7. Said town of Dexter, through its municipal
2 officers, or said commission, is authorized for the purpose of
3 carrying into effect the provisions of this act, to dig up and
4 excavate any highway in said town, lay pipe therein, and fill
5 the trenches under the directions of the road commissioner
6 of said town or such person as may be acting in that capacity
7 for the time being.

Sect. 8. Whenever said town of Dexter shall under Sect. 1,
2 of this act take water from any of the sources therein named
3 it shall file in the registry of deeds in the county in which
4 such source of supply is located, a notice of such taking,
5 describing the size, location and depth of the pipe or pipes
6 through which said water is to be taken from said source.

The said town of Dexter shall pay all damages sustained
8 by any person or corporation by the taking of any water,
9 water-source, water-right or easement, or by any other thing
10 done by said town under the authority of this act, which
11 shall be determined and assessed in the same manner as is
12 provided in Sect. 3 for land taken under the provisions of
13 this act.

Sect. 9. For the purpose of raising money to carry out the
2 provisions of this act, the town of Dexter may issue its bonds

3 with interest coupons, signed in behalf of said town by the
4 municipal officers and the treasurer of said town, when auth-
5 orized by a vote of said town at a legal town-meeting, to an
6 amount which taken in addition to the other indebtedness of
7 the town, will not exceed the amount limited by the consti-
8 tution of Maine.

Such bonds shall be signed by the municipal officers of the
10 town and the treasurer thereof, but the coupons need be
11 signed by the treasurer only; and the bonds shall be desig-
12 nated and marked "The Dexter Water Loan."

Sect. 10. In case said town of Dexter, in a legal town
2 meeting, shall refuse to vote to proceed as a municipality
3 under the rights, powers and authority herein granted, with
4 the work of supplying the town of Dexter with pure water,
5 or shall fail to take any action in regard to the matter,
6 within a period of three months from the date of the
7 approval of this act, then said town at a legal town meeting
8 called and held for the purpose, or at the annual March
9 meeting, shall have the right, and is hereby granted the auth-
10 thority, provided a majority of its legal voters present so
11 vote, to transfer the rights, powers, authority and privileges
12 herein granted to the town of Dexter, to a corporation which
13 shall be organized for the purpose of supplying said town
14 with pure water. Said transfer to be made upon such terms,
15 and under such conditions, restrictions and limitations as
16 shall be determined by said town in a legal town meeting
17 and David H. Mudgett, Charles M. Sawyer, Arthur P.
18 Abbott, Freeman D. Dearth, Nathan Daggett, John L. Mor-
19 rison, Warren H. Carr and Charles D. Roberts.

Are hereby constituted a corporation, for such purpose of
21 supplying the town of Dexter with pure water.

Sect. 11. Said corporation may for said purposes hold
2 real estate not exceeding in value seventy-five thousand
3 dollars.

Sect. 12. Said corporation shall have the right to take
2 water from any lake, pond, stream, brook, spring or other
3 water course within said town of Dexter, and to convey the
4 same upon such conditions and under such restrictions as
5 are prescribed in Sect. 1 of this act.

Sect. 13. Said corporation shall have the right to take
2 lands or real estate, necessary for laying and maintaining
3 pipes, aqueducts, locks, gates, dams, hydrants, reservoirs, and
4 water-works structures, upon such conditions and under
5 such restrictions as are prescribed in Sect. 2 of this act.

Sect. 14. Said corporation shall have the right to lay its
2 pipes or aqueducts under or over any water-course, street,
3 railroad, highway, or other way, and in and through the
4 streets and ways in said town of Dexter, in such manner, and
5 under such restrictions, as are prescribed in Sect. 1 of this
6 act.

Sect. 15. Said corporation shall have the right to settle
2 damages for the taking and holding of land, or real estate
3 for the location of its pipes, aqueducts, locks, gates, dams,
4 hydrants, reservoirs and water-works structures and their
5 maintenance upon such terms and conditions, and in such
6 manner, as is prescribed in section 3 of this act.

Sect. 16. If it shall be necessary for said corporation to lay
2 pipes or aqueducts across or under the tracks or location of
3 any railroad company, and said corporation shall fail to
4 agree with such railroad company, as to place, manner and
5 condition of crossing its railroad, with such pipes or aque-
6 ducts, the place, manner and condition of said crossing shall
7 be determined by the Railroad Commissioners, and all work
8 within the limits of the railroad location shall be done under
9 the supervision and to the satisfaction of the officers and
10 agents of the railroad company, but at the expense of said
11 corporation.

Sect. 17. Said corporation shall be responsible for all damages to persons or property, occasioned by the use and occupancy of said streets and ways, for the laying of its pipes and aqueducts and the construction of its locks, gates, dams, hydrants, reservoirs and water-works structures, and shall pay to said town all sums recovered against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending suits for such damages.

Sect. 18. Said town of Dexter any time after the expiration of three years from the opening for use and service of a system of water-works, constructed by said corporation, and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell, to said town, said system of water-works, including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and at such price as shall be determined and fixed by the chief justice of the supreme court of the State of Maine after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Sect. 19. Said corporation may make contracts with the State of Maine, the town through which the pipes of the system may be laid, or with the corporations and individuals of said town, for supplying water as contemplated in this act, and said corporation may establish and fix from time to time rates for the use of said water, and collect the same and the town of Dexter in legal town-meeting may authorize its municipal officers to contract for a supply of water for the extinguishment of fires, flushing of sewers or other purposes, for a term of years with said corporation.

Sect. 20. The capital stock of said corporation shall not
2 exceed seventy-five thousand dollars and may be divided into
3 shares of fifty dollars each.

Sect. 21. Said corporation may issue bonds for the con-
2 struction of its works, upon such rates and time as it may
3 deem expedient, not exceeding in amount the amount of
4 capital stock subscribed for, and secure the same by mortgage
5 on the franchise and property of said corporation.

Sect. 22. If said corporation shall not be organized and
2 have its works in actual operation within two years from the
3 date of approval of this act, the rights and privileges herein
4 granted, shall be null and void.

Sect. 23. The first meeting of said corporation may be
2 called by a notice, signed by any two of the corporators, served
3 upon each corporator, by giving him the same in hand, or
4 by leaving the same at his last and usual place of abode, seven
5 days before the time of meeting.

Sect. 24. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 31, 1901.

Reported by Mr. PLUMMER from Committee on Legal Affairs, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.