

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 339

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## STATE OF MAINE.

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

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AN ACT to incorporate the Guilford Water Company.

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

Section 1. Henry A. Elliott and John S. Williams, both of  
2 Guilford, in the County of Piscataquis, and Fred C. Pooler  
3 of Skowhegan, in the County of Somerset, with their suc-  
4 cessors and associates, are hereby made a body corporate  
5 by the name of the Guilford Water Company, for the pur-  
6 pose of conveying to, and supplying the inhabitants of the  
7 said town of Guilford with water for all domestic, sanitary,  
8 municipal, and commercial purposes, with all the rights and  
9 privileges, and subject to the liabilities and obligations of  
10 similar corporations under the general laws of this State.

Sect. 2. Said corporation may take and hold by purchase

2 or otherwise, real and personal estate necessary and con-  
3 venient for the purposes aforesaid not exceeding one hun-  
4 dred thousand dollars.

Sect. 3. For any of the purposes aforesaid, or for the  
2 preservation and purity of said water, said corporation is  
3 hereby authorized to take and use water, from either Ben-  
4 nett Pond, so-called, in the town of Parkman, or from the  
5 South Branch of the Piscataquis River in town of Abbot,  
6 to conduct and distribute the same into and through the town  
7 of said Guilford, to survey for, locate, lay, erect, and main-  
8 tain suitable dams, reservoirs, machinery, pipes, aqueducts,  
9 and fixtures; to carry its pipes or aqueducts over or under  
10 any water course, bridge, street, railroad, highway, or other  
11 way; and said corporation is further authorized to enter upon  
12 and excavate any highway or other way in such manner as  
13 least to obstruct the same; to enter, pass over and excavate  
14 any lands, and in general to do any acts necessary, convenient  
15 or proper, for carrying out any of the purposes hereinbefore  
16 specified. And said corporation is further authorized for  
17 the purpose of making all needed repairs or service connec-  
18 tions, to lay its pipes through any public or private lands or  
19 ways, with the right to enter upon the same or dig therein;  
20 and said corporation may establish written regulations for  
21 the use of said water, and change the same from time to  
22 time.

Sect. 4. Said corporation shall file in the registry of deeds  
2 in the County of Piscataquis, plans of the location of all land

3 and water rights taken under the provisions of this act; and  
4 no entry shall be made upon any lands except to make sur-  
5 veys until the expiration of ten days from said filing; and  
6 with such plan the corporation may file a statement of the  
7 damages it is willing to pay to any person for any property  
8 thus taken, and if the amount finally awarded does not ex-  
9 ceed that sum, the corporation shall recover costs against  
10 said person, otherwise such person shall recover costs against  
11 the corporation.

Sect. 5. Said corporation shall be held to pay all damages  
2 that shall be sustained by any person or persons, to them-  
3 selves or their property, occasioned by the use of said street  
4 and ways, and shall pay to said town all sums recovered  
5 against said town of Guilford, from obstructions occasioned  
6 by said corporation, and for all expenses including reason-  
7 able counsel fees, incurred in defending such suits, with in-  
8 terest on the same, but said corporation may assume the de-  
9 fence of suits brought to recover damages as aforesaid; and  
10 also for all damages sustained by any person or persons by  
11 the taking of any lands, water, rights of way, or other prop-  
12 erty, or by excavating through any land for the purpose of  
13 surveying, locating, laying or building dams, reservoirs,  
14 pipes and aqueducts, and for any other injuries resulting  
15 from said acts; and if any person sustaining damage as  
16 aforesaid shall not agree with said corporation upon the  
17 sum to be paid therefor, either party, upon petition to the  
18 County Commissioners of Piscataquis County, within twelve

19 months after said plans are filed, may have said damages  
20 assessed by them, and subsequent proceedings, and rights  
21 of appeal thereon, shall be had in the same manner and un-  
22 der the same conditions, restrictions and limitations as are by  
23 law prescribed in the case of damages by the laying out of  
24 highways. Failure to apply for damages within said twelve  
25 months shall be held to be a waiver of the same.

Sect. 6. Said corporation is hereby authorized to lay down  
2 and maintain in and through the streets and ways of the  
3 town aforesaid, all said pipes, aqueducts, and fixtures as may  
4 be necessary for the purposes hereinbefore specified.

Said town of Guilford is hereby authorized to contract with  
6 said corporation for a supply of water for fire or for other  
7 purposes for a term of years, and at the expiration of such  
8 contact to renew or change the same.

Sect. 7. Said corporation shall not by this charter acquire  
2 any rights to, or interfere in any way with, the existing rights  
3 of those persons who are now supplying water from springs  
4 to the inhabitants of the village of Guilford, or with the  
5 hydrants and water mains, and fire apparatus in the village  
6 of Guilford owned by the said town of Guilford, and the con-  
7 tract made by said town of Guilford with the Piscataquis  
8 Woolen Company for fire purposes, unless said town of  
9 Guilford shall vote so to do, or with the rights of such per-  
10 son or persons as may desire to take spring water for their  
11 own use and furnish it to such other person or persons as  
12 may wish for said spring water. And this act shall not be

13 construed to deprive said spring owners, their successors or  
14 assigns, from becoming bodies corporate for the purpose of  
15 supplying spring water in said town as aforesaid.

Sect. 8. Said town of Guilford, or any quasi-public ser-  
2 vice corporation, chartered as a water district in said Guil-  
3 ford, or in said Guilford and the town of Sangerville, in  
4 said County of Piscataquis, at any time after the expiration  
5 of ten years from the opening for use and service of a sys-  
6 tem of water works constructed by said corporation, and  
7 after a vote in a legal town meeting to that effect, or a vote  
8 passed at a meeting of said water district, shall have the  
9 right to purchase, and by this act said corporation is required  
10 to sell to said town or to said water district, said system of  
11 water works including everything therewith, together with  
12 the franchise of said corporation, at a price to be agreed  
13 upon between said company and said town, or said water  
14 district, and if said price cannot be agreed upon then at a  
15 price which shall be determined by a commission of three  
16 competent and disinterested men to be appointed by the  
17 Chief Justice of the Supreme Judicial Court of Maine. In  
18 the determination of said price said commission shall allow  
19 for said franchise a sum not to exceed three hundred dol-  
20 lars.

The award of said commission shall be binding upon said  
22 company and said town or water district, and said town or  
23 water district shall pay the amount of said award for said  
24 system of water works and franchise within ninety days from

25 the date when such award shall be rendered. The costs of  
26 said commission shall be borne equally by said company and  
27 said town or water district.

Sect. 9. The capital stock of said corporation shall not  
2 exceed one hundred thousand dollars.

Sect. 10. The first meeting of said corporation may be  
2 called by written notice thereof, signed by any two corpo-  
3 rators named herein, served upon each corporator by giving  
4 him the same in hand, or by leaving the same at his last or  
5 usual place of abode, seven days at least before the time of  
6 meeting.

Sect. 11. Said corporation is hereby authorized to issue  
2 bonds, not to exceed in amount one-half of its capital stock,  
3 the same to be a first lien upon its franchises and property.

This act shall become null and void in two years from the  
5 time when the same shall take effect, unless the corporation  
6 shall have organized and commenced the construction of its  
7 works under this charter.





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IN SENATE,

March 4, 1909.

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

F. G. FARRINGTON, *Secretary*.