

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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SENATE

NO. 72

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*In Senate, Feb. 3, 1911.*

*Reported by Mr. Gowell from Committee on Judiciary and  
land on table to be printed under joint rules.*

*W. C. HANSON, Secretary.*

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STATE OF MAINE

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

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AN ACT to incorporate the Bingham Water Company.

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

Section 1. Samuel A. Smith, Henry Cooley, Orison Gor-  
2 don, Albert F. Donigan, Forrest H. Colby, Arthur C. Dins-  
3 more, Fred H. Preble, Ray C. Brown, Walter E. Robinson,  
4 Will Robinson and Harold I. Goss, with their successors and  
5 associates are hereby made a body corporate by the name  
6 of the Bingham Water Company, for the purpose of convey-  
7 ing to, and supplying the inhabitants of the towns of Bing-  
8 ham and Concord with water for all domestic, sanitary, mu-  
9 nicipal and commercial purposes, with all the rights and  
10 privileges, and subject to the liabilities and obligations of  
11 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 and not exceeding one  
4 hundred 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 Jackson Pond,  
4 so called, in the town of Concord, or from Austin Stream in  
5 said Bingham or in the town of Moscow, or from the Ken-  
6 nebec River, to conduct and distribute the same into and  
7 through the towns of Bingham and Concord; to survey for,  
8 locate, lay, erect and maintain suitable dams, reservoirs, ma-  
9 chinery, pipes, aqueducts and fixtures; to carry its pipes or  
10 aqueducts over or under any water course, bridge, street,  
11 railroad, highway or other way; and said corporation is fur-  
12 ther authorized to enter upon and excavate any highway or  
13 other way in such manner as least to obstruct the same; to  
14 enter, pass over and excavate any lands, and in general to  
15 do any acts necessary, convenient and proper for the carry-  
16 ing out any of the purposes hereinbefore specified. And said  
17 corporation is further authorized, for the purpose of making  
18 all needed repairs or service connections, to lay its pipes  
19 through any public or private lands or ways, with the right  
20 to enter upon the same and dig therein; and the said cor-  
21 poration may establish written regulations for the use of said  
22 water, and change the same from time to time.

Sect. 4. Said corporation shall file in the registry of deeds

2 in the County of Somerset, 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 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 streets  
4 and ways, and shall pay to said towns all sums recovered  
5 against said towns of Bingham and Concord from obstruc-  
6 tions occasioned by said corporation, and for all expenses,  
7 including reasonable counsel fees, incurred in defending such  
8 suits, with interest on the same, but said corporation may as-  
9 sume the defense of suits brought for damages as aforesaid;  
10 and also for all damages sustained by any person or persons  
11 by the taking of any lands, water, rights of way, or other  
12 property, or by excavating through any land for the purpose  
13 of 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 afore-  
16 said shall not agree with said corporation upon the sum to be  
17 paid therefor, either party, upon petition to the County Com-

18 missioners of Somerset County, within twelve months after  
19 said plans are filed, may have said damages assessed by them,  
20 and subsequent proceedings, and rights of appeal thereon,  
21 shall be had in the same manner and under the same condi-  
22 tions, restrictions and limitations as are by law prescribed in  
23 the case of damages by the laying out of highways. Failure  
24 to apply for damages within said twelve months shall be held  
25 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 towns aforesaid all said pipes, aqueducts, and fixtures as  
4 may be necessary for the purposes hereinbefore specified.

Said towns of Bingham and Concord are hereby authorized  
6 to contract with said corporation for a supply of water for  
7 fire or other purposes, for a term of years, and at the ex-  
8 piration of such contract to renew or change the same.

Sect. 7. Said town of Bingham, or any quasi public service  
2 corporation, chartered as a water district in said town of  
3 Bingham, or composed of parts of said towns of Bingham  
4 and Concord, in said County of Somerset, at any time after  
5 the expiration of five years from the opening for use and  
6 service of a system of water works constructed by said cor-  
7 poration, and after a vote in a legal town meeting to that  
8 effect, or a vote passed at a meeting of said water district,  
9 shall have the right to purchase, and by this act said cor-  
10 poration is required to sell to said town or to said water dis-  
11 trict, said system of water works including everything there-

12 with, together with the franchise of said corporation, at a  
13 price to be agreed upon between said company and said  
14 town, or said water district, and if said price cannot be  
15 agreed upon, then at a price which shall be determined by a  
16 commission of three competent and disinterested men to be  
17 appointed by the Chief Justice of the Supreme Judicial Court  
18 of Maine.

The award of said commission shall be binding upon said  
20 company and said town or water district, and said town or  
21 water district shall pay the amount of said award for said  
22 system of water works and franchise within ninety days  
23 from the date when such award shall be rendered. The costs  
24 of said commission shall be borne equally by said company  
25 and said town or water district.

Sect. 8. The capital stock of said corporation shall not ex-  
2 ceed seventy-five thousand dollars.

Sect. 9. The first meeting of said corporation may be  
2 called by written notice thereof, signed by any two corpora-  
3 tors named herein, served upon each corporator by giving  
4 him the same in hand, or by leaving the same at his last and  
5 usual place of abode, seven days at least before the time of  
6 meeting.

Sect. 10. 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 if a charter is granted,  
5 at this present session of the Legislature, for the incorpora-

tion of a water district in said town of Bingham, and the  
same is accepted by the voters of said proposed district; or if  
this corporation shall not have organized and commenced  
the construction of its works under this charter within two  
years from the time when the same shall take effect.