

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 276

House of Representatives, Feb. 27, 1919.

Reported by Mr. Mason from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Mason of Ellsworth.

STATE OF MAINE

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

AN ACT to Incorporate the Industry Water Company.

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

Section 1. John A. Goldsmith, R. A. Robbins, Frank
2 G. True, Frank O. Sawtelle, J. H. Rackliff, Charles C.
3 Durrell, Edward C. Clark, James H. Bailey, and Currier
4 C. Holman, with their associates and successors, be and
5 are hereby made a corporation under the name of the
6 Industry Water Company, for the purpose of supplying
7 the inhabitants of the town of Industry with pure water
8 for domestic, sanitary and municipal purposes, including
9 the extinguishment of fires; and such corporation shall

10 possess all the powers and privileges and be subject to all
11 the liabilities and obligations imposed upon corporations
12 by law, except as herein otherwise provided.

Sect. 2. The place of business of said corporation shall
2 be at Industry, in the county of Franklin and state of
3 Maine.

Sect. 3. For any of the purposes aforesaid the said cor-
2 poration is hereby authorized to take and use water from
3 any spring, pond, brook, well or other waters wholly or
4 partly in the town of Industry in Franklin county, and
5 to survey for, locate, construct and maintain all suitable
6 and convenient dams, reservoirs, sluices, hydrants, wells,
7 buildings, machinery, lines of pipe, aqueducts, structures
8 and appurtenances.

Sect. 4. The said corporation is hereby authorized to
2 lay, construct and maintain its lines of pipe in the said
3 town of Industry, and to build and maintain all necessary
4 structures therefor, at such places as shall be necessary
5 for the said purposes of said corporation; and to cross
6 any water course, private or public sewer, or to change
7 the direction thereof, when necessary for their said pur-
8 pose of incorporation, but in such manner as not to ob-
9 struct or impair the use thereof, and the said corporation
10 shall be liable for any injury caused hereby.

Sect. 5. The said corporation is hereby authorized to
2 lay, construct and maintain in, under, through, along, over
3 and across the highways, ways, streets, railroads, streams,

4 river and bridges in the said town, and to take up, replace
5 and repair, all such aqueducts, sluices, pipes, hydrants and
6 other structures and fixtures, as may be necessary and
7 convenient for any of the said purposes of the said cor-
8 poration, under such reasonable restrictions and conditions
9 as the selectmen of the town may impose; and the said
10 corporation shall be responsible for all damage to the said
11 town and to all corporations, persons, and property, occa-
12 sioned by such use of the highway, ways and streets.

Whenever the said corporation shall lay down or con-
2 struct any pipes or fixtures in any highway, way or street,
3 or make any alteration or repairs upon its works, in any
4 highway, way or street, it shall cause the same to be done
5 with as little obstruction to public travel as may be prac-
6 ticable, and shall, at its own expense, without unnecessary
7 delay, cause the earth and pavement then removed by it,
8 to be placed in proper condition.

Sect. 6. The said corporation is hereby authorized to
2 take and hold by purchase or otherwise any land necessary
3 for flowage, and also for its drains, reservoirs, gates, hy-
4 drants, wells, buildings and other necessary structures, and
5 may locate, erect, lay and maintain aqueducts, hydrants,
6 lines of pipes, and other necessary structures or fixtures,
7 in, over and through such land for such location, construc-
8 tion and erection.

And in general to do any act necessary, convenient or
2 proper for carrying out any of the said purposes of in-

3 corporation. It may enter upon such land to make sur-
4 veys and locations, and shall file in the registry of deeds
5 in the county of Franklin plans of such locations and lands,
6 showing the property taken, and within thirty days there-
7 after publish notices of such filing in some newspaper in
8 said county, such publication to be continued three weeks
9 successively. Not more than two rods in width of land
10 shall be occupied by more than one line of pipe or aqueduct.

Sect. 7. Should the said corporation and the owner of
2 such land be unable to agree upon the damage to be paid
3 for such location, taking, holding, flowing and construc-
4 tion, the land owner of said corporation may, within twelve
5 months after said filing of plans of location, apply to the
6 commissioners of said county of Franklin, and cause such
7 damages to be assessed in the same manner and under the
8 same conditions as are prescribed by law in the case of
9 damages by the laying out of highways, as far as such
10 law is consistent with the provisions of this act. If said
11 corporation shall fail to pay such land owner, or deposit
12 for his use with the clerk of the county commissioners
13 aforesaid such sum as may be finally awarded as damages,
14 with costs when recovered by him, within ninety days
15 after notice of final judgment shall have been received by
16 the clerk of courts of said county, the said location shall
17 be thereby invalid, and the said corporation shall forfeit
18 all rights under the same as against such land owner.
19 In case the said corporation shall begin to occupy such

20 land before the rendition of final judgment the land owner
21 may require the said corporation to file its bond to him
22 with the said county commissioners, in such sum and with
23 such sureties as they may approve, conditioned for said
24 judgment or deposits. No action shall be brought against
25 the said corporation for such taking, holding and occupa-
26 tion until after such failure to pay or deposit as aforesaid.

Sect. 8. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have
3 his damage assessed in the same manner provided in the
4 preceding section, and payment therefor shall be made in
5 the same manner and with the same effect. No action shall
6 be brought for the same until after expiration of the time
7 of payment and a tender by said company may be made with
8 the same effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to
2 make contracts with the United States, the state of Maine,
3 the county of Franklin, the town of Industry and with
4 any village corporation in the said town and with the in-
5 habitants thereof, or any corporation doing business there-
6 in or water district, for the supply of water for any and
7 all the purposes contemplated in this act; and the said
8 town by its proper officers is hereby authorized to enter
9 into any contract with the said corporation for a supply of
10 water for any and all purposes mentioned in this act, and
11 in consideration thereof to relieve said corporation from
12 such public burdens by abatement or otherwise as said

13 town, village corporation, water district may agree upon,
14 and said contract shall be legal and binding upon all parties
15 thereto.

Sect. 10. Whoever shall knowingly or maliciously cor-
2 rupt the water supply of the said corporation, whether
3 frozen or not, or in any way render such water impure, or
4 whoever shall wilfully or maliciously injure any of the
5 works of the said corporation, shall be punished by a fine
6 not exceeding one thousand dollars, or by imprisonment
7 not exceeding two years, and shall be liable to the said
8 corporation for three times the actual damage to be recov-
9 ered in any proper action.

Sect. 11. No person shall go in bathing or swimming
2 in Clear Water Pond within three hundred yards of the
3 breakwaters to said Clear Water Pond, said breakwaters
4 being at a source of supply to said corporation. Whoever
5 violates the provision of this section shall be punished by
6 a fine of twenty-five dollars.

Sect. 12. The capital stock of the said corporation shall
2 be ten thousand dollars; and the stock shall be divided into
3 shares of fifty dollars each.

Sect. 13. The said corporation, for all its said purposes,
2 may hold real and personal estate necessary and convenient
3 therefor.

Sect. 14. The said corporation may issue its bonds for
2 the construction of its works, of any and all kinds upon
3 such rates and time as it may deem expedient, to an amount

4 not exceeding its capital stock subscribed for, and secure
5 the same by mortgage of its franchise and property.

Sect. 15. The first meeting of the corporation shall be
2 called by a written notice therefor, signed by any two of
3 the named incorporators, served upon each named incor-
4 porator by giving him the same in hand, or by leaving the
5 same at his last and usual place of abode, at least seven
6 days before the time of meeting, or by publishing said
7 notice in some newspaper published in the county of Frank-
8 lin.

Sect. 16. Said town of Industry or any water district
2 including said town or a portion of said town, at any time
3 after the expiration of five years from the opening for use
4 and service of a system of water works constructed by
5 said corporation and after a vote in a legal town meeting
6 to that effect has been passed, shall have the right to pur-
7 chase, and by this act said corporation is required to sell
8 to said town or any water district including said town or
9 a portion of said town, said system of water works includ-
10 ing everything appurtenant thereto, and if said town or said
11 water district and said corporation cannot agree upon the
12 terms and price then such terms and such price shall be
13 determined and fixed by the chief justice of the supreme
14 court of the state of Maine, after due hearing of the parties
15 interested, and from the decision of said chief justice there
16 shall be no appeal.

Sect. 17. Nothing herein contained shall be construed as
2 a repeal of any portion of chapter one hundred twenty-nine
3 of the private and special laws of Maine for the year one
4 thousand nine hundred and thirteen, or any act additional
5 thereto or amendatory thereof.