

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAPTER 56.

AQUEDUCTS AND WATER COMPANIES.

Meetings of proprietors for incorporation, how called.
R. S., c. 54, § 1.

SEC. 1. Any persons associated by agreement in writing as proprietors of an aqueduct, for conveying fresh water into or within any town, or as proprietors of funds for establishing such aqueduct, may apply, in writing, to some justice of the peace for the county in which any portion thereof is situated, or is proposed to be made, stating the name and style of their association, and the objects of their proposed meeting, and requesting such justice to issue his warrant to some one of the persons applying, directing him to call such meeting; and such justice may thereupon issue his warrant accordingly, stating therein the time, place and object of such meeting; and the proprietor, to whom the warrant is directed, shall notify such meeting, by posting the substance of the warrant, with his notice annexed thereto, seven days at least before the meeting, in some public place in every town in which any portion of the aqueduct is, or is proposed to be made.

Proprietors become a corporation, and may agree how to call future meetings and choose clerk, directors and other officers.
R. S., c. 54, § 2.

SEC. 2. The proprietors assembled under such warrant, and their successors and assigns, shall be a corporation by the name stated in their application; and may at any legal meeting, agree on the manner of calling future meetings; choose any number of directors and other officers to manage their business, and a clerk who shall be sworn, and shall record all by-laws, votes and other proceedings of the corporation, in books provided and kept by him therefor, open to the inspection of any person appointed by the legislature for that purpose.

Directors to choose president, make assessments, and collect them by suit, or by sale of shares.
R. S., c. 54, § 3.

SEC. 3. The directors shall choose one of their number president; and may make such assessments on the proprietors of the shares in such aqueduct or funds as they find necessary; and if a proprietor fails to pay such assessment for thirty days after notice, they may maintain an action on the case in their corporate name to recover the amount thereof, or may sell, at auction, so many of his shares, as are sufficient to pay the same, with necessary charges; notice of the sale of such shares shall be given by advertising in some newspaper printed in the county three weeks successively, or by posting notifications thereof, twenty days at least before the sale, in at least two public places in each town wherein such aqueduct is, or is proposed to be made; and the surplus money, if any, arising from such sale, shall be paid to the owner of the share so sold.

Registry of shares and transfers.
R. S., c. 54, § 4.

SEC. 4. At or immediately after the first meeting, the clerk shall enter, in such books, the names of the several proprietors, and the shares owned by each; and the subsequent transfer of shares shall also be entered by him, within three months after it is made, in such form and for such fees as the directors order; and no person shall be deemed a proprietor, whose share or interest is not so entered.

Manner of voting.

—powers of proprietors.
R. S., c. 54, § 5.

SEC. 5. The proprietors have one vote for each share, and may vote by proxy; for the breach of their by-laws they may impose penalties not exceeding thirty dollars for each offense; may purchase and hold real estate necessary for their purpose not exceeding thirty thousand dollars in value; and with the written consent of the municipal officers, they or any person, may dig up or open any road for the purpose of laying their pipes, or repairing or extending their aqueduct; but not so as to prevent the convenient passage of teams and carriages.

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SEC. 6. Shares in such corporations are personal estate and may be attached on a writ and sold on execution for the debts of the holders, like shares in other corporations; and the franchises, fixtures, pipes, fountains and interests in lands of such corporations are liable to attachment and sale on execution, as personal property, for their corporate debts; but the purchaser thereof at such sale, shall not interfere with the possession of the corporation for two months after the sale; and within that time, it may redeem such franchise and property by paying the sum for which they were sold with interest; but if not so redeemed, the purchaser shall have the same rights under the franchise and to such property as the corporation had. Any creditor of such corporation, whose execution has been satisfied by an ineffectual sale of such franchise or property, may revive the judgment by scire facias.

Shares sold for debts of holders; franchise, pipes, fountains, etc., may be sold for corporate debts.
R. S., c. 54, § 6.

—redemption.

—execution, when revived by scire facias.

SEC. 7. Whoever maliciously injures such aqueduct or any of its appurtenances, forfeits not exceeding twenty dollars to the town, to be recovered by indictment; and is liable in a civil action, brought by the corporation, to pay treble the amount of the damages sustained thereby.

Penalty for injuring an aqueduct.
R. S., c. 54, § 7.

SEC. 8. A town where such aqueduct is located may put conductors into its pipes and draw water, free of expense, to extinguish fire in a burning building, if such conductors are so secured that water shall be drawn for that purpose only.

Town may use pipes in case of fire.
R. S., c. 54, § 8.
See c. 9, § 6.
§ ix.

SEC. 9. All contracts made by or with such corporation, are in force after its dissolution; and the last shareholders shall have a corporate capacity and may prosecute and defend suits respecting such contracts, commenced within six years after the dissolution, or after the cause of action accrued; and if no corporate property can be found to satisfy such judgments, and they are not satisfied within six months, the creditors may satisfy them from the private property of the shareholders as if the judgment had been against them in their private capacity.

Corporate powers continue after dissolution; enforcement of judgments.
R. S., c. 54, § 9.

SEC. 10. If such corporation owns any estate at its dissolution the proprietors shall be tenants in common thereof in proportion to the shares or interest which they hold in its stock.

Proprietors, tenants in common of property left.
R. S., c. 54, § 10.

CONDEMNATION PROCEEDINGS BY WATER COMPANIES.

SEC. 11. Unless otherwise provided in their acts of incorporation, when any water company, duly authorized therefor, finds it necessary for its purposes and uses to take any land or other property, it shall file in the office of the county commissioners of the county where the land or other property taken is situated, plans and descriptions of all the land, and description of all other property taken.

Proceedings by water companies, authorized to take land.
1889, c. 284, § 1.
82 Me., 337.
94 Me., 50.

SEC. 12. All such plans and descriptions, or all such descriptions filed, as aforesaid, prior to March nine, eighteen hundred and eighty-nine, are valid and legal for all purposes of taking.

Certain proceedings, valid.
1889, c. 284, § 2.

SEC. 13. All corporations chartered for the purpose of supplying towns and cities with pure water, shall have the same right to make application to the tribunal authorized by their respective charters for assessment of damages for land, rights or other property taken, as the parties owning or claiming said property have.

Corporations may make application for assessment of damages.
1887, c. 48.
See c. 83, § 108.

Note. Provisions for fortnightly payment of wages apply to water companies, c. 40, § 57. Limitation of proceedings to recover damages for land taken by right of eminent domain, c. 83, § 108. Malicious injury of property of water companies, c. 128, § 4. Pollution of water supply, c. 129, § 1.