

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 14.

STATE OF MAINE.

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

AN ACT to grant certain powers to, and to make valid certain acts of the Brewer Water Company.

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

SECTION 1. For the purpose of supplying the inhabitants of the town of Brewer, in the County of Penobscot and State of Maine, with water for domestic and municipal purposes, the extinguishment of fires, and the use of manufactories, the Brewer Water Company, a corporation duly organized under the general laws of the State of Maine, shall have power and is hereby authorized for the purposes aforesaid to take, detain, and use water from the Penobscot river in said Brewer, at

11 or above the water works dam at Treats Falls, so
12 called, and is also authorized to erect and main-
13 tain such structures and pumping stations, to be
14 operated by water or steam power, as may be most
15 convenient; the same to be located either above
16 or below said dam as said company may determine;
17 and to excavate for and to construct a suitable
18 canal around or by the Brewer end of said dam
19 from some point above said dam to a point below
20 it for the purpose of operating the machinery of
21 said pumping works or station by water power;
22 also to erect and maintain such buildings, with
23 necessary machinery, and reservoirs, stand pipes,
24 aqueducts, hydrants, and any and all other struc-
25 tures necessary for the purpose of accumulating,
26 conducting, discharging, distributing, and dispos-
27 ing of water and forming proper reservoirs therefor.

And said corporation may take and hold by pur-
29 chase, or may take as for public uses any real
30 estate or easement therein and any water rights
31 necessary for the purposes of this corporation; and
32 may locate, erect, lay and maintain thereon and in
33 connection therewith, canals, sluices, pumping
34 works, aqueducts, reservoirs, stand pipes, pipes,
35 and other necessary structures and fixtures in, over
36 and through any lands of any person or corpora-

37 tion, for its said purposes, and may excavate in and
38 through such lands for such location, construction,
39 and maintainance. It may enter upon such lands
40 to make surveys and locations, and shall file in the
41 registry of deeds in said Penobscot county, plans
42 of such locations and lands, showing the property
43 taken; and within thirty days thereafter publish
44 notice of such filing and taking in some newspaper
45 published in said county, such publication to be
46 continued three weeks successively.

SECT. 2. Should the said company and the owner
2 of land taken as above provided, be unable to agree
3 upon the amount of damages to be paid for such
4 location, taking, holding, and construction, the land
5 owner or the corporation may within twelve months
6 after said filing of plans and location, apply to the
7 commissioners of said Penobscot county, by whom
8 such damages shall be assessed in the same manner
9 and under the same conditions, restrictions and
10 limitations as are by law prescribed in the case of
11 damages by the location of railroads, so far as such
12 law is consistent with the provisions of this act.

If said company shall fail to pay such land-owner,
14 or deposit for his use with the clerk of the county
15 commissioners aforesaid, such sum as may be finally
16 awarded as damages, with costs, when recovered

17 by him, within ninety days after notice of final
18 judgment shall have been received by the clerk of
19 courts of said county, the said location shall be
20 thereby invalid, and said company shall forfeit all
21 rights under the same, as against such land-owner.

Said company may make a tender to any land-
23 owner damaged by its exercise of the powers con-
24 ferred upon said company by the provisions of this
25 act; and if such land-owner recovers more dama-
26 ges than were tendered him by said company, he
27 shall recover costs, otherwise said company shall
28 recover costs. In case said company shall begin to
29 occupy such lands before the rendition of final
30 judgment, the land-owner may require said com-
31 pany to file its bond to him with said county com-
32 missioners in such sum and with such sureties as
33 they may approve, conditioned for said payment or
34 deposit. No action shall be brought against said
35 company for such taking, holding, and occupation,
36 until after such failure to pay or deposit as aforesaid.

SECT. 3. Said company is hereby authorized to
2 make contracts with individuals and corporations
3 and with the town of Brewer in its corporate
4 capacity, for the purpose of supplying water as
5 contemplated by this act, and all contracts hereto-
6 fore entered into by and between said water com-

7 pany and said town of Brewer for the purposes
8 aforesaid, and all acts of said town and of its
9 municipal officers heretofore done or performed, in
10 granting rights and privileges to said company, are
11 hereby confirmed and made valid. And said town
12 of Brewer is hereby authorized and empowered to
13 make further contracts with said company for a
14 further supply of water for any and all purposes
15 that may be for the convenience and protection of
16 the inhabitants of said town.

SECT. 4. Said corporation is hereby authorized
2 to lay down, in and through the highways, streets,
3 and ways of said town of Brewer, and to take up
4 and replace and repair, all such pipes, hydrants,
5 and fixtures as may be necessary. And it shall
6 cause the same to be done with as little obstruction
7 to public travel as may be practicable and shall at
8 its own expense, without unnecessary delay, cause
9 the earth and pavements there removed to be
10 replaced in proper condition. And said corpora-
11 tion shall be responsible for all damages to persons
12 and property occasioned by its use of said streets
13 and ways, and shall be further liable to pay to said
14 town all sums recovered against said town for
15 damages for obstruction or defects of said streets
16 and ways, caused by said corporation.

SECT. 5. Said company is authorized for the
2 purpose of constructing, extending, and completing
3 its works; to issue its bonds, secured by a mort-
4 gage of all its property, real and personal, already
5 or hereafter to be acquired, and of all its rights
6 and franchises, to such an amount as may be found
7 necessary. And all votes and acts of said com-
8 pany and of its directors already passed and per-
9 formed, in relation to the issuance of its bonds, are
10 hereby made valid.

SECT. 6. Whoever shall wilfully or maliciously
2 injure any of the works of said company shall be
3 punished by fine not exceeding one thousand dol-
4 lars, or by imprisonment not exceeding two years,
5 and shall also be liable to said company for three
6 times the actual damage, to be recovered in any
7 proper action.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 18, 1889. }

Tabled and ordered printed, pending reference to Judiciary Committee,
on motion of Mr. BARKER of Bangor.

NICHOLAS FESSENDEN, *Clerk.*