

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Fourth Legislature.

HOUSE.

No. 200.

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 inhabi-
2 tants of the town of Brewer, in the county of Penobscot
3 and State of Maine, with water for domestic and munici-
4 pal purposes, and the extinguishment of fires, the Brewer
5 Water Company, a corporation duly organized under the
6 general laws of the State of Maine, shall have power and
7 is hereby authorized for the purposes aforesaid to take,
8 detain, and use water from the Penobscot river in said
9 Brewer, below or above the Bangor water works dam at
10 Treat's Falls, so called, and is also authorized to erect and
11 maintain all necessary structures and pumping stations, to
12 be operated by steam power; the same to be located

13 either above or below said dam as said company may de-
14 termine; and to erect and maintain such buildings, with
15 necessary machinery, and reservoirs, stand pipes, aque-
16 ducts, hydrants, and any and all other structures neces-
17 sary for the purpose of accumulating, conducting, dis-
18 charging, distributing, and disposing of water and forming
19 proper reservoirs therefor.

And said corporation may take and hold by purchase, or
21 may take as for public uses any real estate or easement
22 therein and any water rights necessary for the purposes
23 of this corporation; and may locate, erect, lay and main-
24 tain thereon and in connection therewith, pumping works,
25 aqueducts, reservoirs, stand pipes, pipes, and other nec-
26 essary structures and fixtures in, over and through any
27 lands of any person or corporation, for its said purposes,
28 and may excavate in and through such lands for such
29 location, construction, and maintenance. It may enter
30 upon such lands to make surveys and locations, and shall
31 file in the registry of deeds in said Penobscot county,
32 plans of such locations and lands, showing the property
33 taken; and within thirty days thereafter publish notice
34 of such filing and taking in some newspaper published in
35 said county, such publication to be continued three weeks
36 successively.

SECT. 2. Should the said company and the owner of
2 land taken as above provided, be unable to agree upon
3 the amount of damages to be paid for such location, tak-
4 ing, holding, and construction, the land owner or the
5 corporation may within twelve months after said filing of
6 plans and location, apply to the commissioners of said
7 Penobscot county, by whom such damages shall be as-

8 sessed in the same manner and under the same conditions,
9 restrictions and limitations as are by law prescribed
10 in the case of damages by the location of railroads, so far
11 as such law is consistent with the provisions of this act.

Should said Brewer Water Company take water above
13 the water works dam, so called, it shall within twelve
14 months after said taking, pay to the said city of Bangor a
15 just and reasonable compensation, (in addition to other
16 damages herein specified) for whatever benefit, if any,
17 the Brewer Water Company may derive by reason of the
18 expenditure of the said city of Bangor, in improvements
19 on said river made by it, in order to furnish Bangor with
20 pure water, in a gross sum, or in annual sums, by pro
21 rata estimates or otherwise, as may be agreed upon by
22 said city of Bangor and said Brewer Water Company, or
23 if unable to agree, such an amount as may be determined
24 and awarded by a commission composed of Hon. Artemas
25 Libby, Hon. William Wirt Virgin and Hon. Enoch Fos-
26 ter, or a majority of such commission. In case that either
27 of said commissioners refuse to act, or for any reason a
28 vacancy occurs in said commission, the Chief Justice of
29 the Supreme Judicial Court is hereby authorized to fill
30 such commission by the appointment of one or more Jus-
31 tices of the Supreme Court of Maine, and said commission
32 shall proceed to ascertain the amount due said city of
33 Bangor, if anything, upon application by either party,
34 first giving to each party fourteen days' notice in writing
35 of the time and place of hearing.

If said company shall fail to pay such land-owner or city
37 of Bangor, or deposit for their use with the clerk of the
38 county commissioners aforesaid, such sum as may be

39 finally agreed upon or awarded and determined as afore-
40 said as damages, with costs, when recovered by them,
41 within ninety days after notice of such agreement or of
42 final judgment shall have been received by the clerk of
43 courts of said county, the said location shall be thereby
44 invalid, and said company shall forfeit all rights under the
45 same, as against such land-owner and city.

Said company may make a tender to any land-owner
47 damaged by its exercise of the powers conferred upon said
48 company by the provisions of this act, or to said city ;
49 and if such land-owner or city recovers more damages
50 than were tendered him by said company, he shall recover
51 costs, otherwise said company shall recover costs. In
52 case said company shall begin to occupy such lands be-
53 fore the rendition of final judgment, the land-owner or
54 said city may require said company to file its bond to him
55 with said county commissioners in such sum and with
56 such sureties as they may approve, conditioned for said
57 payment or deposit. No action shall be brought against
58 said company for such taking, holding and occupation,
59 until after such failure to pay or file a bond or deposit as
60 aforesaid.

SECT. 3. Said company is hereby authorized to make
2 contracts with individuals and corporations and with the
3 town of Brewer in its corporate capacity, for the purpose
4 of supplying water as contemplated by this act, and all
5 contracts heretofore entered into by and between said
6 water company and said town of Brewer for the purposes
7 aforesaid, and all acts of said town and of its municipal
8 officers heretofore done or performed, in granting rights
9 and privileges to said company, are hereby confirmed and

10 made valid. And said town of Brewer is hereby author-
11 ized and empowered to make further contracts with said
12 company for a further supply of water for any and all
13 purposes that may be for the convenience and protection
14 of the inhabitants of said town.

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

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

SECT. 6. Whoever shall wilfully or maliciously injure
2 any of the works of said company shall be punished by
3 fine not exceeding one thousand dollars, or by imprison-

4 ment not exceeding two years, and shall also be liable to
5 said company for three times the actual damage, to be re-
6 covered in any proper action.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 19, 1889. }

Tabled pending third reading, on motion of Mr. BARKER of Bangor.
NICHOLAS FESSENDEN, *Clerk.*