

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 129.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-SEVEN

AN ACT to incorporate the Mars Hill and Blaine Water
Company.

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

Section 1. Alden Sylvester, W. F. Glidden and O. E.
2 Blackden, their associates, successors, and assigns, are
3 hereby made a corporation by the name of the Mars Hill and
4 Blaine Water Company, for the purpose of supplying the
5 towns of Mars Hill and Blaine, in the county of Aroostook,
6 and the inhabitants of said towns, with pure water for
7 domestic, sanitary, and municipal purposes, including extin-
8 guishment of fires.

Sect. 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, ponds, streams, or other water sources in said towns, except such springs as are in actual use for supplying water for domestic purposes, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

Sect. 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets and bridges, other than railroad bridges, in said towns and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said towns may impose. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said towns all sums recovered against said towns for damages for obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said company shall have notice of such suits and opportunity to defend the same. Nothing in this act shall be construed as giving said water company the right or power to flow, in any way, the right of way or other lands of the Bangor and Aroostook Railroad Company, or to take any part of such right of way or such other lands under the power of eminent domain given in this act.

Said water company shall not have the power to pass along
24 the right of way or any bridge of said railroad company with
25 any pipes, aqueducts, or other structures mentioned in this
26 act, but said water company may lay pipes across the right
27 of way of said railroad company, and in case of failure to
28 agree with said railroad company as to place, manner and
29 conditions of crossing its railroad, with such pipes, the place,
30 manner and conditions of such crossing shall be determined
31 by the railroad commissioners, and all work within the limits
32 of the railroad location, shall be done under the supervision
33 and to the satisfaction of the officers and agents of said rail-
34 road company, but at the expense of said water company.

Sect. 4. Said company shall have power to cross any water
2 course, private and public sewer, or to change the direction
3 thereof when necessary for the purposes of its incorporation,
4 but in such manner as not to obstruct or impair the use
5 thereof, and it shall be liable for any injury caused thereby.
6 Whenever said company shall lay down any fixture in any
7 highway, way or street, or make any alterations or repairs
8 upon its works in any highway, way or street, it shall cause
9 the same to be done with as little obstruction to public travel
10 as may be practicable, and shall at its own expense, without
11 unnecessary delay, cause the earth and pavements there
12 removed by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters or
2 water rights as limited in section two, and also any lands
3 necessary for reservoirs, and other necessary structures, and

4 may locate, lay, and maintain aqueducts, pipes, hydrants
5 and other necessary structures or fixtures in, over and
6 through any lands for its said purposes, and excavate in and
7 through such lands for such location, construction and
8 maintenance. It may enter upon such lands to make sur-
9 veys and location, and shall file in the registry of deeds for
10 said county of Aroostook, plans of such location and lands,
11 showing the property taken, and within thirty days there-
12 after, publish notice of such filing in some newspaper in said
13 county, such publication to be continued three weeks succes-
14 sively. Not more than one rod in width of land shall be
15 occupied by any one line of pipe or aqueduct.

Sect. 6. Should the said company and the owner of such
2 land so taken be unable to agree upon the damages to be
3 paid for such location, taking, holding and construction,
4 the land owner may, within twelve months after said filing
5 of plans of location, apply to the commissioners of said
6 county of Aroostook, and cause such damages to be assessed
7 in the same manner and under the same conditions, restric-
8 tions and limitations as are by law prescribed in the case of
9 damages by the laying out of highways, so far as such law is
10 consistent with the provisions of this act. If said company
11 shall fail to pay such land owner, or deposit for his use with
12 the clerk of the county commissioners aforesaid, such sum
13 as may be finally awarded as damages, with costs when
14 recovered by him, within ninety days after notice of final
15 judgment shall have been received by the clerk of courts of

16 said county, the said location shall be thereby invalid, and
17 said company forfeit all rights under the same as against
18 such land owner. Said company may make a tender to any
19 land owner damaged under the provisions of this act, and if
20 such land owner recovers more damages than were tendered
21 him by said company, he shall recover costs, otherwise said
22 company shall recover costs. In case said company shall
23 begin to occupy such lands before the rendition of final judg-
24 ment, the land owner may require said company to file its
25 bond to him with said county commissioners, in such sum
26 and with such sureties as they approve, conditioned for said
27 payment or deposit. No action shall be brought against
28 said company for such taking, holding and occupation, until
29 after such failure to pay or deposit as aforesaid. Failure to
30 apply for damages within three years by the land owner, shall
31 be held to be a waiver of the same.

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

Sect. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations, and
3 inhabitants of said towns of Blaine and Mars Hill or any

4 village corporations therein, for the purpose of supplying
5 water as contemplated by this act; and said towns of Blaine
6 and Mars Hill by their selectmen, and any such village cor-
7 poration by its assessors, are hereby authorized to enter into
8 contract with said company for a supply of water for public
9 uses on such terms and for such time as the parties may
10 agree, which when made, shall be legal and binding on all
11 parties thereto, and said towns of Blaine and Mars Hill for
12 this purpose may raise money in the same manner as for
13 other town charges.

Sect. 9. The capital stock of said company shall not exceed
2 fifty thousand dollars, and said stock shall be divided into
3 shares of one hundred dollars each.

Sect. 10. Said company, for all of its said purposes, may
2 hold real and personal estate necessary and convenient there-
3 for, not exceeding in amount two hundred thousand dollars.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works of any and all kinds, upon such rates
3 and time as it may deem expedient, not exceeding in all the
4 capital stock of said corporation subscribed for, and secure
5 the same by mortgage or mortgages of the franchise and
6 property of said company.

Sect. 12. The first meeting of said company may be called
2 by a written notice thereof, signed by any corporator herein
3 named, served upon each corporator by giving him the same
4 in hand, or by leaving the same at his last usual place of
5 abode, seven days before the time of meeting.

Sect. 13. This act shall become null and void in two years
2 from the day when the same shall take effect, unless said
3 company shall have organized and commenced actual busi-
4 ness under this charter.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

February 19, 1897.

Reported by Mr. BOYNTON of Sullivan, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*