

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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HOUSE.

No. 244.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Ashland Water Company.

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

Section 1. E. G. Dunn, F. G. Dunn, W. W. Loane, H. L.  
2 Dobson, J. C. Finson, with their associates and successors,  
3 are hereby made a corporation under the name of the Ash-  
4 land Water Company, for the purpose of supplying the  
5 inhabitants of the town of Ashland with suitable water for  
6 industrial, manufacturing, domestic, sanitary and municipal  
7 purposes, including the extinguishment of fire; with all the  
8 rights and privileges, and subject to all the liabilities of  
9 similar corporations under the laws of this State.

Sect. 2. For any of the purposes aforesaid, the said corporation is hereby authorized to take and use water from the Aroostook river, or from any spring, pond, brook or other waters in the town of Ashland; except springs now in use for supplying water for domestic purposes; to conduct and distribute the same into and through the said town of Ashland; and to survey for, locate, construct, and maintain suitable and convenient dams, reservoirs, buildings, machinery, lines of pipes, aqueducts, structures and appurtenances. Provided, however, that nothing herein contained shall authorize or permit said corporation to construct or maintain a dam upon or across said Aroostook river.

Sect. 3. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe under, in and over the Aroostook river and any tributaries thereof, in the said town of Ashland, and to build and maintain all necessary structures therefor, at such places as may be necessary for the said purposes of the said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, where necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury or damage caused thereby.

Sect. 4. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across highways, ways, streets, and bridges, other than railroad bridges, in the said town of Ashland, and to take up, replace and repair, all such aqueducts, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for the said purposes of said corporation; and the said corporation shall be responsible for all damages to the

9 said town and to all corporations, persons and property,  
10 occasioned by such use of the said highways, ways and  
11 streets. Whenever the said corporation shall lay down or  
12 construct any fixtures in any highway, way or street, or  
13 make any alterations or repairs upon its works in any high-  
14 way, way or street, it shall cause the same to be done with  
15 as little obstruction to public travel as may be practicable,  
16 and shall at its own expense, without unnecessary delay,  
17 cause the earth and pavement then removed by it, to be  
18 replaced in proper condition.

Nothing in this act shall be construed as giving said cor-  
20 poration the right or power to flow, in any way, the right of  
21 way or other lands of the Bangor and Aroostook Railroad  
22 Company, or to take any part of such right of way or such  
23 other lands under the power of eminent domain given in this  
24 act.

Said corporation shall not have the power to pass along the  
26 right of way or any bridge of said railroad company with any  
27 pipes, aqueducts, or other structures mentioned in this act,  
28 but said corporation may lay pipes across the right of way  
29 of said railroad company, and in case of failure to agree  
30 with said railroad company as to place, manner and condi-  
31 tions of crossing its railroad, with such pipes, the place,  
32 manner and conditions of such crossing shall be determined  
33 by the railroad commissioners, and all works within the limits  
34 of the railroad location, shall be done under the supervision  
35 and to the satisfaction of the chief engineer of said railroad  
36 company, but at the expense of said Ashland Water Com-  
37 pany.

Sect. 5. The said corporation is hereby authorized to take  
2 and hold, by purchase or otherwise, any lands necessary for

3 flowage, and also for its dams, reservoirs, gates, hydrants,  
4 buildings and other necessary structures, and may locate,  
5 erect, lay and maintain aqueducts, lines of pipe, hydrants and  
6 other necessary structures or fixtures, in, over and through  
7 any land for the said purposes, and excavate in and through  
8 such land for such location, construction and erection. And  
9 in general to do any acts necessary, convenient or proper,  
10 for carrying out any of the said purposes of incorporation.  
11 It may enter upon such lands to make surveys and locations,  
12 and shall file in the registry of deeds for the county of Aroos-  
13 took, plans of such locations and lands, showing the property  
14 taken, and within thirty days thereafter publish notice of  
15 such filing in some newspaper in said county, such publica-  
16 tion to be continued three weeks successively. Not more  
17 than two rods in width of land shall be occupied by any one  
18 line of pipe or aqueduct.

Sect. 6. Should the said corporation and the owner of  
2 any land required for the said purposes of incorporation;  
3 be unable to agree upon the damages to be paid for such  
4 location, taking, holding and construction, the land owner  
5 may, within twelve months after the said filing of plans or  
6 location, apply to the commissioners of said county of  
7 Aroostook, and cause such damages to be assessed in the  
8 same manner and under the same conditions, as are pre-  
9 scribed by law in the case of damages by the laying out of  
10 railroads. If the said corporation shall fail to pay such land  
11 owner, or deposit for his use with the clerk of the county  
12 commissioners aforesaid, such sums as may be finally  
13 awarded as damages, with cost when recovered by him,  
14 within ninety days after notice of final judgment shall have  
15 been received by the clerk of courts of the said county, the said

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

Sect. 7. The said corporation is hereby authorized to make  
2 contracts with the United States, the State of Maine, the  
3 county of Aroostook, the town of Ashland and any village  
4 corporation that may be incorporated in the town of Ash-  
5 land, and with the inhabitants thereof or any corporations  
6 doing business therein, for the supply of water and power  
7 for the purposes contemplated in this act; and the said towns  
8 and corporation by their proper officers, are hereby author-  
9 ized to enter into contract with the said corporation for a  
10 supply of water for any and all purposes mentioned in this  
11 act, and for such exemption from public burdens as the said  
12 town or village corporation and the said corporation may  
13 agree upon, which when made, shall be legal and binding  
14 upon all parties thereto.

Sect. 8. The capital stock of the said corporation shall be  
2 twenty-five thousand dollars, which may be increased to any  
3 sum not exceeding fifty thousand dollars by a majority  
4 vote of the stockholders of the said corporation; and the  
5 stock shall be divided into shares of one hundred dollars.  
6 each.

Sect. 9. The said corporation for all its said purposes, may  
2 hold real and personal estate necessary and convenient there-  
3 for, to the amount of fifty thousand dollars.

Sect. 10. 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 not to exceed  
4 the amount of its capital stock, and secure the same by  
5 mortgage of its franchise and property.

Sect. 11. The first meeting of said corporation shall be  
2 called by a written notice thereof, signed by any two of the  
3 named incorporators, served upon each named incorporator  
4 by giving him the same in hand, or by leaving the same at  
5 his last and usual place of abode, at least seven days before  
6 the time of meeting, or by publishing said notice in some  
7 newspaper published in said Ashland.

Sect. 12. This act shall take effect when approved.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
March 5, 1897.

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

W. S. COTTON, *Clerk.*