

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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SENATE.

No. 93.

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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 enable the town of Dexter to establish a system of  
Water-works and Sewerage.

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

Section 1. The town of Dexter in Penobscot county, is  
2 hereby authorized to establish a system of water-works and  
3 sewerage for the purpose of supplying the town and its  
4 inhabitants with water for domestic, sanitary and municipal  
5 purposes including the extinguishment of fires, and for such  
6 sewerage as may be reasonable and proper.

Sect. 2. Said town is hereby authorized to lay, construct  
2 and maintain in, under, through, along and across the high-  
3 ways, ways, streets, railroads, bridges and private property,

4 and take up, replace and repair all such sluices, aqueducts,  
5 pipes, hydrants, ditches and sewers, as may be necessary for  
6 the purposes of this act, so as not unreasonably to obstruct,  
7 or unreasonably damage private property. It shall be  
8 responsible for all damages to persons and property occa-  
9 sioned by the use of said highways, ways, streets, ditches  
10 and sewers, and in the case of private property, for interest  
11 at the rate of six per cent per annum, from the time of the  
12 taking. In case of failure to agree with any railroad com-  
13 pany, as to place, manner, and conditions of crossing its  
14 railroad with such pipe, the place, manner and conditions  
15 of such crossings shall be determined by the railroad com-  
16 missioners, and all work within the limits of the railroad  
17 location shall be done under the supervision, and to the  
18 reasonable satisfaction of the officers and agents of the rail-  
19 road company.

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

Sect. 4. Said town may take and hold any waters, as limited in section two, and also any land necessary for reservoirs and other necessary structures, and may locate, lay and maintain aqueducts, pipes, hydrants, ditches and sewers, and other necessary structures or fixtures in, over and through any land for its said purposes, and excavate in and through such land, for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Penobscot, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than one rod in width of land shall be occupied by any one line of piping or aqueduct.

Sect. 5. Should the town and the owners of such land so taken be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans and location, apply to the commissioners of said county of Penobscot, and cause such damages to be assessed in the same manner, and under the same conditions, restrictions, and limitations, as are by law prescribed in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of the same. If said town shall fail to pay said land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as

13 may be finally awarded as damages with costs recovered by  
14 him, within ninety days after notice of final judgment shall  
15 have been received by the clerk of courts of said county, the  
16 said location shall be thereby invalid, and said town forfeit  
17 all rights under the same, as against such land owner. Said  
18 town may make a tender to any land owner damaged under  
19 the provisions of this act, and if such land owner recovers  
20 more damages than were tendered him by said town, he shall  
21 recover costs; otherwise said town shall recover costs. Fail-  
22 ure to apply for damages within three years, by the land  
23 owner, shall be held to be a waiver of the same.

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

Sect. 7. Said town is hereby authorized to make contracts  
2 with the United States and with corporations and with any  
3 inhabitant of said town of Dexter, or of any village corpora-  
4 tion therein which may hereafter be established, for the pur-  
5 pose of supplying water, and for other purposes as contem-  
6 plated by this act. And any such village corporation, by its  
7 assessors, is hereby authorized to enter into contract with  
8 said town, or other parties for a supply of water and for other

9 purposes contemplated by this act, on such terms and for  
10 such time as the parties may agree, which when made shall  
11 be legal and binding on all parties thereto, and said town or  
12 village corporation may raise money in the same manner  
13 as for other town or village purposes.

Sect. 8. Said town, for all of its said purposes, may hold  
2 real and personal estate necessary and convenient therefor  
3 not exceeding in amount one hundred thousand dollars.

Sect. 9. Said town may issue its bonds for the construction  
2 of its works, of any and all kinds, upon such rates and time,  
3 in such amount as it may deem expedient, to be called Dex-  
4 ter Water Works and Sewerage Bonds, but not to above the  
5 amount which singly or in the aggregate with previous debts  
6 and liabilities, shall exceed five per centum of the last regular  
7 valuation of said town.

Sect. 10. Any such village corporation that may hereafter  
2 be established in Dexter may, at any legal meeting duly  
3 called, vote to assume the franchises of said town granted by  
4 this act, upon such terms as it may choose. Upon such vote,  
5 the town may vote to transfer and assign to such village cor-  
6 poration, all the rights and franchises hereby granted, and it  
7 may thereafter exercise and enjoy the same, as fully as  
8 if granted to such village corporation direct.

Sect. 11. This act shall take effect when approved.



STATE OF MAINE.

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IN SENATE, February 18, 1897.

Reported by Mr. PARSONS, from Committee on Legal Affairs, and  
laid on table to be printed under joint rules.

**KENDALL M. DUNBAR, Secretary.**