

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventieth Legislature.

HOUSE.

No. 431

STATE OF MAINE,

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

AN ACT to incorporate the Berwick Water Company.

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

Section 1. William S. Mathews, J. W. Shaw, William D.
2 Clark, John E. Frost, E. F. Gowell, H. V. Noyes, C. E.
3 Marshall and H. G. Lord of Berwick, and Charles A. Bod-
4 well of Sanford, with their associates and successors, be and
5 are hereby made a corporation under the name of the Ber-
6 wick Water Company, for the purpose of supplying the
7 inhabitants of the town of Berwick with pure water for
8 domestic, sanitary and municipal purposes, including the
9 extinguishment of fires; and such corporation shall possess
10 all the powers and privileges and be subject to all the liabili-
11 ties and obligations imposed upon corporations by law,
12 except as herein otherwise provided.

Sect. 2. The place of business of said corporation shall be
2 at Berwick, in the county of York and state of Maine, and
3 its business shall be confined to the town of Berwick, in said
4 county.

Sect. 3. For any of the purposes aforesaid the said corpo-
2 ration is hereby authorized to take and use water from
3 Worster brook, Salmon Falls river, or from any spring,
4 pond, brook, or other waters in the town of Berwick, to
5 conduct and distribute the same into and through the said
6 town of Berwick; and to survey for, locate, construct, and
7 maintain all suitable and convenient dams, reservoirs,
8 sluices, hydrants, buildings, machinery, lines of pipe, aque-
9 ducts, structures and appurtenances.

Sect. 4. The said corporation is hereby authorized to lay,
2 construct and maintain its lines of pipe in the town of Ber-
3 wick, and to build and maintain all necessary structures
4 therefor, at such places as shall be necessary for the said
5 purposes of said corporation; and to cross any water course,
6 private or public sewer, or to change the direction thereof,
7 when necessary for their said purposes of incorporation, but
8 in such manner as not to obstruct or impair the use thereof,
9 and the said corporation shall be liable for any injury caused
10 thereby.

Sect. 5. The said corporation is hereby authorized to lay,
2 construct and maintain in, under, through, along, over and
3 across the highways, ways, streets, railroads and bridges in
4 the said town, and to take up, replace and repair, all such
5 aqueducts, sluices, pipes, hydrants and other structures and
6 fixtures, as may be necessary and convenient for any of the
7 said purposes of the said corporation, under such reasonable
8 restrictions and conditions as the selectmen of the said town
9 may impose; and the said corporation shall be responsible
10 for all damages to the said town, and to all corporations,

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

Sect. 6. The said corporation is hereby authorized to take
2 and hold, by purchase or otherwise any land 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, hydrants, lines of pipes,
6 and other necessary structures or fixtures, in, over and
7 through any land for the said purposes, and excavate in and
8 through such land for such location, construction and erec-
9 tion. And in general to do any act necessary, convenient
10 or proper for carrying out any of the said purposes of incor-
11 poration. It may enter upon such land to make surveys
12 and locations, and shall file in the registry of deeds in the
13 county of York, plans of such locations and lands, showing
14 the property taken, and within thirty days thereafter publish
15 notices of such filing in some newspaper in said county,
16 such publication to be continued three weeks successively.
17 Not more than two rods in width of land shall be occupied
18 by more than one line of pipe or aqueduct.

Sect. 7. Should the said corporation, and the owner of
2 such land be unable to agree upon the damages to be paid
3 for such location, taking, holding, flowing and construction,
4 the land owner or said corporation may, within twelve
5 months after said filing of plans of location, apply to the
6 commissioner of said county of York, and cause such dam-

7 ages to be assessed in the same manner and under the same
8 conditions as are prescribed by law in the case of damages
9 by the laying out of highways, so far as such law is con-
10 sistent with the provisions of this act. If said corporation
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 the said corporation shall forfeit all rights under the same,
18 as against such land owner. The corporation may make a
19 tender to any land owner, damages under the provisions of
20 this act, and if such land owner recovers more damages
21 than was tendered him by the said corporation, he shall
22 recover costs, otherwise the said corporation shall recover
23 costs. In case the said corporation shall begin to occupy
24 such land before the rendition of final judgment the land
25 owner may require the said corporation to file its bond to
26 him with the said county commissioners, in such sum and
27 with such sureties as they may approve conditioned for said
28 judgment or deposits. No action shall be brought against
29 the said corporation for such taking, holding and occupation
30 until after such failure to pay or deposit as aforesaid. Failure
31 to apply for damages within the said twelve months shall be
32 held to be a waiver of them.

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

7 for payment, and a tender by said company may be made
8 with the same effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to
2 make contracts with the town of Berwick and with any
3 village corporation in the said town, and with the inhabi-
4 tants thereof, of any corporation doing business therein, for
5 the supply of water for any and all the purposes contem-
6 plated in this act; and the said town and any village corpo-
7 rations in the said town by their proper officers, are hereby
8 authorized to enter into any contract with the said corpo-
9 ration for a supply of water for any and all purposes men-
10 tioned in this act, and in consideration thereof to relieve
11 said corporation from such public burdens by abatement or
12 otherwise as said town, village corporation, and the said
13 corporation may agree upon, which when made shall be
14 legal and binding upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously cor-
2 rupt the water supply of the said corporation, whether
3 frozen or not, or in any way render such water impure, or
4 whoever shall wilfully or maliciously injure any of the works
5 of the said corporation, shall be punished by a fine not
6 exceeding one thousand dollars, or by imprisonment not
7 exceeding two years, and shall be liable to the said corpo-
8 ration for three times the actual damage, to be recovered in
9 any proper action.

Sect. 11. The capital stock of the said corporation shall be
2 fifty thousand dollars and the said stock shall be divided
3 into shares of fifty dollars each.

Sect. 12. The said corporation, for all its said purposes,
2 may hold real and personal estate necessary and convenient
3 therefor, not exceeding one hundred thousand dollars.

Sect. 13. The said corporation may issue its bonds for the
2 construction of its works, of any and all kinds upon such

3 rates and time as it may deem expedient, to an amount not
4 exceeding its capital stock, and secure the same by mort-
5 gage of its franchise and property.

Sect. 14. The first meeting of the corporation shall be
2 called by a written notice therefor, signed by Harold V.
3 Noyes, Charles A. Bodwell, or any incorporator named
4 herein, served upon each incorporator by giving the same in
5 hand, or by leaving the same at his last and usual place of
6 abode, at least seven days before the time of meeting.

Sect. 15. At any time after 20 years from the date of the
2 approval of this act the town of Berwick, if its inhabitants
3 shall so vote, by a two-thirds vote, at a legal town meeting
4 called therefor, shall have the right to purchase the system
5 of water works constructed by this company in said town
6 for supplying said town and the inhabitants thereof,
7 together with the franchises of this company relating
8 thereto, at a price to be agreed upon between said company
9 and said town; and if such price cannot be agreed upon,
10 then at a price, not less than cost, which shall be deter-
11 mined by a commission of three competent and dis-
12 interested men, one of whom shall be selected by said com-
13 pany, one by said town of Berwick, and the third by the two
14 so selected if they can agree, if not, then by the chief justice
15 of the supreme judicial court of Maine. The award of said
16 commissioners, not less than cost, shall be binding upon
17 said company and said town, and said town shall pay the
18 amount of said award for said system of water works and
19 franchises within ninety days from the date when said award
20 shall be rendered. The cost of said commission shall be
21 borne equally by the said company and said town.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 14, 1901.

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

W. S. COTTON, *Clerk.*