

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 237

STATE OF MAINE.

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

AN ACT to incorporate the Van Buren Sewerage Company.

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

Section 1. Peter C. Keegan, Allen E. Hammond, James
2 Crawford, Arthur Brown, Earl H. Gowing, Henry A.
3 Gagnon, Joseph F. Theriault, Simeon Cyr and Remi Cyr,
4 with their associates, successors and assigns are hereby made
5 a corporation under the name of the Van Buren Sewerage
6 Company for the purpose of providing a system of sewers
7 and drainage for the town and village of Van Buren for the
8 comfort, convenience and health of the people of Van Buren,
9 with all the rights, powers and privileges and immunities
10 incident or properly belonging to such corporations.

Sect. 2. Said corporation may acquire and hold real and
2 personal estate necessary and convenient for the purposes
3 aforesaid not exceeding in amount fifty thousand dollars,
4 may sell and convey the same, may issue certificates of stock
5 to an amount not exceeding twenty-five thousand dollars and
6 may issue and sell bonds to the amount of twenty-five thou-
7 sand dollars secured by mortgage of its works and franchise,
8 to aid in the construction of its works.

Sect. 3. Said corporation is hereby authorized to take and
2 hold by purchase or otherwise any land or real estate or ease-
3 ment therein necessary for forming basins, reservoirs and
4 outlets, for erecting buildings for pumping works and for
5 laying and maintaining conduits for carrying and collecting,
6 discharging and disposing of sewerage matter and waters and
7 for any other object necessary, convenient and proper for the
8 purposes of this act.

Sect. 4. Said corporation may construct conduits, in man-
2 ner aforesaid in and through said village of Van Buren to
3 and into the Saint John river and its tributaries, the discharge
4 therefrom to be at such point in said river and tributaries as
5 is most convenient, and convey through the same sewerage,
6 surface water and the natural flowage of existing water
7 courses and secure and maintain basins, reservoirs and out-
8 lets; may construct and maintain flush tanks, manholes, lamp-
9 holes and all usual appliances, public and private; may build
10 and maintain pumping stations and buildings, constructions
11 and appliances for collecting, holding, distributing and dis-
12 posing of sewerage matter, may establish regulations for the
13 use of sewers and fix and collect the prices to be paid for
14 entering the same and also the annual rentals for using
15 thereof, and said corporation is hereby authorized for the
16 purposes aforesaid, having first obtained the permission of
17 the municipal officers of said town and under such restrictions

18 and regulations as said officers may prescribe, to lay down
19 through the streets, highways and lands of said town, and
20 take up, replace and repair all such conduits, pipes and fix-
21 tures as may be necessary for the objects of its incorporation ;
22 to carry and lay conduits under any watercourse way, public
23 or private, or railroad in the manner prescribed by law, and
24 to cross any drain or sewer or if necessary to change its direc-
25 tion in such manner as not to obstruct the use thereof, and
26 to enter and dig up any such street, road or way, for the pur-
27 pose of laying pipes beneath the surface thereof, for placing
28 manholes or other fixtures and for maintaining and repairing
29 the same and in general to do any other act or things neces-
30 sary, convenient and proper to be done for the purpose of
31 this act.

Sect. 5. Said corporation shall file in the registry of deeds
2 for the Northern District of Aroostook county, a certificate
3 containing a description of the land taken, or on which an
4 easement may be taken under the provisions of this act and
5 a statement of the purposes for which it is taken, to be
6 recorded by the register and such land or easement shall be
7 deemed to be taken upon the filing of such certificate.

Sect. 6. Such corporation shall be liable to pay all damages
2 that shall be sustained by any person in his property by the
3 taking of any land or easement therein, under the provisions
4 of this act ; and if an person sustaining damages as aforesaid
5 and said corporation shall not mutually agree upon the sum
6 to be paid therefor, such person may cause his damages to
7 be ascertained in the same manner and under the same condi-
8 tions and limitations as are by law prescribed in the case of
9 damages by the location of railroads.

Sect. 7. Said corporation, at all times, after it shall com-
2 mence receiving pay for the facilities supplied by it, shall be
3 bound to permit the owners of all premises abutting upon its
4 lines of pipes and conduits, to enter the same with all proper

5 sewerage, upon conformity to the rules and regulations of
6 said company, and payment of the prices and rentals estab-
7 lished therefor.

Sect. 8. Any person who shall place or leave any offensive
2 or injurious matter or materials on the conduits, catch basins
3 or receptacles of said corporation, contrary to its regulations,
4 or shall wilfully injure any conduit, pipe, reservoir, flush
5 tank, catch basin, manhole, lamp hole, outlet, engine, pump
6 or other property held, owned or used by said corporation
7 for the purposes of this act, shall pay twice the amount of
8 damages to said corporation to be recovered in any proper
9 action; and every such person, on conviction of either of said
10 acts of wilful injury aforesaid, shall be punished by fine not
11 exceeding two hundred dollars and by imprisonment not
12 exceeding one year.

Sect. 9. Said corporation shall be liable to any person
2 injured by any fault of said corporation or its agents, or any
3 defect in the highways occasioned by the construction of the
4 works of said company, during said construction of, after the
5 same have been completed, or while the same shall be under-
6 going repairs or extensions are being made; and said corpo-
7 ration shall also be liable to the town of Van Buren for any
8 and all cost, damage and expense which said town may suffer
9 or be put to by reason of the default, neglect, negligence or
10 carelessness of said corporation or of any of its officers, ser-
11 vants or agents.

Sect. 10. The affairs of said corporation shall be controlled
2 by a board of directors consisting of not less than five mem-
3 bers, who shall be citizens of the town of Van Buren, and
4 elected annually by a vote of the stockholders of the corpo-
5 ration, and such board of directors shall choose such other
6 officers as may, from time to time, be required by the by-laws
7 of the corporation.

Sect. 11. Should the town of Van Buren, at a meeting duly
2 called for the purpose, vote to take over the works of said
3 company, and at any time subsequent to the first day of Jan-
4 uary, A. D. 1908, inform the said company of its intention to
5 take over the said works, then and in that case, the said com-
6 pany will, within sixty days after the receipt of notice of such
7 intension of the said town, and upon the tender of the fair
8 market value, at the time, of the said works including all the
9 rights and franchises of the company, convey and make over
10 to the said town the said sewer works and system in their
11 entirety as they then exist and make, execute, acknowledge
12 and deliver such deeds, conveyances, transfers or other instru-
13 ments as may be necessary to secure to the town all and every
14 right, title and interest whether in law or in equity which the
15 said company may have the said sewer works and system.

Sect. 12. Should said sewer works and system be taken
2 over by the town as aforesaid, the consideration to be paid
3 by the town therefor shall be the fair market value of the said
4 works at the time of taking, including the rights and fran-
5 chises of the said company, as may be agreed upon by the
6 said parties thereto. And should said parties be unable to
7 agree upon the amount to be so paid, the same shall be left
8 to the determination of three persons to be chosen as follows,
9 viz. : one who shall not be a lawyer, to be selected by the com-
10 pany; one who shall not be a lawyer, to be chosen by the
11 municipal officers of the town, and another who shall be
12 learned in the law, to be chosen by the chief justice of the
13 supreme court, whose finding in the matter shall be final and
14 conclusive between the parties.

Sect. 13. The affairs of said corporation shall be controlled
2 by a board of directors consisting of not less than five mem-
3 bers, who shall be citizens of the town of Van Buren, and
4 elected annually by a vote of the stockholders of the corpo-

5 ration; and the board of directors shall choose such other
6 officers as may from time to time be required by the by-laws
7 of the corporation.

Sect. 14. Any two of the persons mentioned in the first
2 section of this act, may call the first meeting of said corpora-
3 tion, by publishing notice therefor two weeks in a newspaper
4 printed in the county of Aroostook.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, March 3, 1903.

Reported by Mr. SMITH of Presque Isle, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*