

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

SENATE.

No. 259

STATE OF MAINE.

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

AN ACT to supply the people of Bangor with pure drinking
water.

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

Section 1. F. W. Ayer, I. K. Stetson, J. P. Bass, P. H.
2 Gillin, J. F. Whitcomb, C. H. Haynes and J. O. Whitney,
3 with their associates and successors are hereby made a cor-
4 poration by the name of the Bangor Water Power Company,
5 for the purpose of conveying to the city of Bangor a supply
6 of pure water for drinking purposes.

Sect. 2. Said corporation may hold real and personal estate
2 necessary and convenient for the purpose aforesaid, not
3 exceeding in amount six hundred thousand dollars.

Sect. 3. Said corporation is hereby authorized, for the purpose aforesaid, to take and hold the water of Hat Case pond, so called, in the town of Dedham, and streams tributary thereto in said town, and the water of Fitts pond, so called, in the town of Clifton, and the streams tributary thereto in said town of Clifton, and may also hold by purchase or otherwise any land or real estate necessary for erecting dams and reservoirs and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water, and for forming reservoirs thereof.

Sect. 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land or mill privilege, or by flowing or excavating through any land for the purpose of laying down pipes, building dams, or constructing reservoirs; and if any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such damage shall be assessed in the same manner and under the same conditions, restrictions and limitations, as are by law prescribed in the case of damages for land taken by railroad roads.

Sect. 5. The capital stock of said company shall not exceed six hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act.

Sect. 6. If said corporation shall not be organized, and its works put into actual operation within six years from the approval of this act, it shall be null and void.

Sect. 7. Nothing contained in this act shall be construed to affect or diminish the liability of said corporation, for any injury to private property, by depreciating the value thereof or otherwise, but said corporation shall be liable therefor in an action on the case.

Sect. 8. The said company are hereby authorized to lay
2 down in and through the streets of said city, and to take up,
3 replace, and repair, all such pipes, aqueducts and fixtures as
4 may be necessary for the objects of their incorporation, first
5 having obtained the consent of the city council therefor, and
6 under such restrictions and regulations as said city council
7 and water board may see fit to prescribe; and any obstruction
8 in any street of said city, or taking up or displacement of any
9 portion of any street, without such consent of the city council,
10 or contrary to the rules and regulations that may be pre-
11 scribed as aforesaid, shall be considered a nuisance, and said
12 company shall be liable to indictment therefor, and to all the
13 provisions of the law applicable thereto, and said company
14 shall in all cases be liable to repay said city all sums of money
15 that said city may be obliged to pay on any judgment recov-
16 ered against said city for damages occasioned by any obstruc-
17 tions or taking up or displacement of any street by said com-
18 pany whatever, with or without the consent of the city coun-
19 cil, together with council fees and other expenses incurred by
20 said city in defending any suit to recover damages as afore-
21 said, with interest on the same, to be recovered in an action
22 for money paid to the use of said company.

Sect. 9. Whenever the company shall lay down any pipes
2 or aqueducts in any street, or make any alteration or repairs
3 upon their works in any street, they shall cause the same to
4 be done with as little obstruction to the public travel as may
5 be practicable, and shall at their own expense, without unnec-
6 essary delay, cause all earth and pavement removed by them
7 to be replaced in proper condition. They shall not in any
8 case be allowed to obstruct or impair the use of any public or
9 private drain, or common sewer or reservoir, but said com-
10 pany shall have the right to cross, or when necessary, to
11 change the direction of any private drain in such a manner
12 as not to obstruct or impair the use thereof, being liable for

13 any injury occasioned by any such crossing or alteration to
14 the owner thereof or any other person, in an action upon the
15 case.

Sect. 10. If in the erection and construction of the works
2 herein provided for, it shall become necessary to erect any
3 dam, or permanent works over tide waters, the said company
4 is hereby authorized to erect, construct and maintain the
5 same first having the approval of the city council of said
6 city.

Sect. 11. The mavor and aldermen, for the time being, shall
2 at all times have the power to regulate, restrict, and control
3 the acts and doings of said corporation which may in any
4 manner affect the health, safety or convenience of the inhabi-
5 tants of said city.

Sect. 12. The first meeting of said corporation may be
2 called by a notice signed by two of the corporators, published
3 five days successively before the day fixed for such meeting
4 in any newspaper published in Bangor.

Sect. 13. The city of Bangor shall have the right at any
2 time within one year from the date of approval of this act,
3 to take, exercise and control all the property, rights, powers
4 and privileges of said corporation, on paying to said corpo-
5 ration the amount of money actually paid in and expended
6 under the provisions of this act; and in case said city and said
7 corporation shall not agree upon the sum to be paid therefor,
8 the supreme judicial court, at any term thereof holden in the
9 county of Penobscot, upon application of said city, shall
10 appoint three commissioners, whose duty it shall be to hear
11 the parties and determine what amount has been expended
12 under the provisions of this act, the report of whom, or the
13 major part of them, when made and accepted by the court,
14 shall be final, and upon payment of that sum, the franchise

15 of said corporation, with all the property, rights, powers and
16 privileges, shall vest in and belong to said city of Bangor.

Sect. 14. This act shall be taken and deemed to be a public
2 act, and shall be in force from and after its approval.

STATE OF MAINE.

IN SENATE, March 20, 1903.

Reported by Mr. MADDOCKS from Committee on Interior Waters,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.