

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 119

STATE OF MAINE.

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

AN ACT to incorporate the Milo Water Company.

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

Section 1. W. A. Johnson, W. F. Dutch, M. L. Durgin,
2 E. C. Mooers and W. S. Owen, their associates, successors
3 and assigns, are hereby made a corporation under the name
4 of the Milo Water Company.

Sect. 2. The purposes of said corporation shall be to supply
2 water for public and private use and for any and all pur-
3 poses in the town of Milo, in Piscataquis county, and to con-
4 struct, maintain and operate a system of sewers and drainage
5 in and for said town.

Sect. 3. Said corporation is hereby authorized for the pur-
2 poses aforesaid to erect and maintain dams, reservoirs, filters,
3 and standpipes, and to lay and maintain pipes, aqueducts and
4 conduits necessary and proper for accumulating, storing,

5 conducting, discharging, distributing, disbursing, supplying,
6 and selling water, or for carrying, collecting, discharging and
7 disposing of sewerage matter and waters; said corporation
8 may take and hold by purchase or as for public uses, any real
9 estate necessary therefor and may take, store and use the
10 water of any river, stream, lake, pond, spring, or well in the
11 town of Milo or Sebec, and may excavate through any lands
12 when necessary for the purposes of the corporation.

Sect. 4. Said corporation is hereby authorized to lay down
2 in and through the streets and ways in the said town of Milo,
3 and to take up, replace and repair all such pipes, aqueducts,
4 conduits, hydrants and fixtures, as may be necessary for the
5 purposes of its incorporation; to carry and lay any conduits,
6 aqueducts and pipes under any watercourse, public or pri-
7 vate way, or railroad in said town, in the manner prescribed
8 by law, and to cross any sewer or drain, or, if necessary, to
9 change its direction in such manner as not to obstruct the
10 use thereof; and to enter and dig up any such street, road or
11 way for the purpose of laying pipes, conduits, or aqueducts
12 beneath the surface thereof, for placing manholes, hydrants,
13 or other fixtures, and for maintaining and repairing the same,
14 under such reasonable restrictions as may be imposed by the
15 selectmen of said town, and said corporation shall be respon-
16 sible for all damages to persons or property occasioned by its
17 use of such streets or ways, and shall further be liable to pay
18 to said town all sums recovered against it for damages from
19 obstructions caused by said corporation.

Sect. 5. When the corporation shall take any water, land,
2 easement, or other property under the powers herein given,
3 it shall file a statement in the registry of deeds for Piscata-
4 quis county, with a plan and description of such water, land,
5 easement, or property, and within ten days thereafter shall
6 publish notice of such filing in some newspaper printed in

7 said county three weeks successively, and may file a statement
8 of the damage it is willing to pay for any property so taken,
9 and if the amount finally awarded exceeds that sum, the
10 owner shall recover costs from the corporation, otherwise,
11 the corporation shall recover costs against the owner. Said
12 corporation shall be liable to pay all damages that shall be
13 sustained by any person in his property by the taking of any
14 water, land, easement or property under the provisions of this
15 act; and if any person sustaining damages as aforesaid and
16 said corporation shall not mutually agree upon the sum to
17 be paid therefor, such person may cause his damages to be
18 ascertained in the same manner and under the same con-
19 ditions and limitations as are by law prescribed in the case of
20 damages by the location of railroads, with the provisions as
21 to costs as hereinabove mentioned.

Sect. 6. Any person who shall place or leave any offensive
2 or injurious matter or materials on or in the pipes, conduits,
3 aqueducts, standpipes, reservoirs, catch-basins, fixtures, or
4 any other property held, owned, or used by said corporation
5 for the purposes of this act, shall pay twice the amount of
6 damages to said corporation to be recovered in any proper
7 action, and every such person on conviction of either of such
8 acts of wilful injury as aforesaid, shall be punished by fine
9 not exceeding two hundred dollars, and by imprisonment not
10 exceeding one year.

Sect. 7. The capital stock of said corporation shall be ten
2 thousand dollars, and shall be divided into shares of twenty-
3 five dollars each. The capital stock may by vote of the cor-
4 poration be increased to fifty thousand dollars. Said corpo-
5 ration is authorized to hold such real and personal estate as
6 is necessary and proper for the purposes of its incorporation.

Sect. 8. The affairs of said corporation shall be controlled
2 by a board of directors, consisting of not less than three

3 members, who shall be citizens of the town of Milo, and
4 elected annually by vote of the stockholders of the company,
5 and such board of directors shall choose such other officers
6 as may from time to time be required by the by-laws of the
7 corporation.

Sect. 9. Should the town of Milo, at a meeting duly called
2 for the purpose, vote to take over the works of said company,
3 and at any time subsequent to the first day of January, A. D.
4 1910, inform the said company of its intention to take over
5 the said works, then, and in that case, the company will
6 within sixty days after the receipt of said intention of said
7 town, and upon the tender of the fair market value at the
8 time of the said works, including all the rights and franchises
9 of the company, convey and make over to the said town, the
10 said water and sewer works and systems in their entirety as
11 they then exist, and make, execute, acknowledge, and deliver
12 such deeds, conveyances, transfers, or other instruments as
13 may be necessary to secure to said town all and every right,
14 title, and interest, whether in law or in equity, which the said
15 company may have in said water or sewer works or systems

Sect. 10. Should said water and sewer works and systems
2 be taken over by the town as aforesaid, the consideration to
3 be paid by the town therefor shall be the fair market value
4 of said works at the time of taking, including the rights and
5 franchises of the company, as may be agreed upon by the
6 parties thereto. And should said parties be unable to agree
7 upon the amount, the same shall be left for the determination
8 of three persons to be chosen as follows: one by the town,
9 one by the company, and the third, who shall be a person
10 learned in the law and a resident of Piscataquis county, shall
11 be appointed by the chief justice of the supreme court, and
12 the finding of the aforementioned three parties shall be final
13 and conclusive in the matter as between the parties.

Sect. 11. Said corporation may issue bonds for the construction of its works, upon such rates and terms as it may deem expedient, not exceeding twenty-five thousand dollars, and secure the same by mortgage of its franchises and property.

Sect. 12. Said corporation may make contracts with any person, partnership, or corporation, or with the town of Milo, for the purposes mentioned in the powers above mentioned, and may make such reasonable charge for water for public or private use, or for entering into their sewer system with private drains or sewers as they may deem advisable.

Sect. 13. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 24, 1905.

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

KENDALL M. DUNBAR, *Secretary.*