

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 275

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## STATE OF MAINE.

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

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AN ACT to incorporate the Weld Water Company.

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

Section 1. C. G. Dummer, J. S. Houghton, R. E. Scam-  
2 mon, W. H. Woodard, G. Dummer, F. S. Schofield, A. D.  
3 Russell and John Decker of Weld, with their associates and  
4 successors, be and are hereby made a corporation under the  
5 name of the Weld Water Company, for the purpose of sup-  
6 plying the inhabitants of the town of Weld with pure water  
7 for domestic, sanitary and municipal purposes, including the  
8 extinguishment of fires; and such corporation shall possess  
9 all the powers and privileges and be subject to all the lia-  
10 bilities and obligations imposed upon corporations by law,  
11 except as herein otherwise provided.

Sect. 2. The place of business of said corporation shall be  
2 at Weld in the county of Franklin and state of Maine.

Sect. 3. For any of the purposes aforesaid the said corpo-  
2 ration is hereby authorized to take and use water from any  
3 spring, pond, brook or other waters in the town of Weld, to  
4 conduct and distribute the same into and through the said  
5 town of Weld; and to survey for, locate, construct and main-  
6 tain all suitable and convenient dams, reservoirs, sluices,  
7 hydrants, buildings, machinery, lines of pipe, aqueducts,  
8 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 Weld,  
3 and to build and maintain all necessary structures therefor,  
4 at such places as shall be necessary for the said purposes of  
5 said corporation; and to cross any water course, private or  
6 public sewer, or to change the direction thereof, when neces-  
7 sary for their said purpose of incorporation, but in such a  
8 manner as not to obstruct or impair the use thereof, and the  
9 said corporation shall be liable for any injury caused hereby.

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 damage to the said town, and to all corporations, per-  
11 sons and property, occasioned by such use of the highway,  
12 ways and streets.

Whenever the said corporation shall lay down or construct  
14 any pipes or fixtures in any highway, way or street, or make  
15 any alteration or repairs upon its works, in any highway,  
16 way or street, it shall cause the same to be done with as little  
17 obstruction to public travel as may be practicable, and shall,  
18 at its own expense, without unnecessary delay, cause the  
19 earth and pavement then removed by it, to be placed in proper  
20 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 erection.

And in general to do any act necessary, convenient or  
10 proper for carrying out any of the said purposes of incor-  
11 poration. It may enter upon such land to make surveys and  
12 locations, and shall file in the registry of deeds in the county  
13 of Franklin, plans of such locations and lands, showing the  
14 property taken, and within thirty days thereafter publish  
15 notices of such filing in some newspaper in said county, such

16 publication to be continued three weeks successively. Not  
17 more than two rods in width of land shall be occupied by  
18 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 commissioners of said county of Franklin, and cause such  
7 damages to be assessed in the same manner and under the  
8 same conditions as are prescribed by law in the case of dam-  
9 ages by the laying out of highways, so far as such law is  
10 consistent with the provisions of this act. If said corpora-  
11 tion shall fail to pay such land owner, or deposit for his use  
12 with the clerk of the county commissioners aforesaid such  
13 sum 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 as  
18 against such land owner. In case the said corporation shall  
19 begin to occupy such land before the rendition of final  
20 judgment the land owner may require the said corporation  
21 to file its bond to him with the said county commissioners, in  
22 such sum and with such sureties as they may approve, con-  
23 ditioned for said judgment or deposits. No action shall be  
24 brought against the said corporation for such taking, holding

25 and occupation until after such failure to pay or deposit as  
26 aforesaid.

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

Sect. 9. The said corporation is hereby authorized to make  
2 contracts with the United States, the state of Maine, the  
3 county of Franklin, the town of Weld and with any village  
4 corporation in the said town, and with the inhabitants thereof,  
5 or any corporation doing business therein, for the supply of  
6 water for any and all the purposes contemplated in this act;  
7 and the said town and any village corporation in the said  
8 town by their proper officers, are hereby authorized to enter  
9 into any contract with the said corporation for a supply of  
10 water for any and all purposes mentioned in this act, and in  
11 consideration thereof to relieve said corporation from such  
12 public burdens by abatement or otherwise as said town,  
13 village, corporation, and the said corporation may agree  
14 upon, which when made, shall be legal and binding upon all  
15 parties thereto.

Sect. 10. Whoever shall knowingly or maliciously corrupt  
2 the water supply of the said corporation, whether frozen or

3 not, or in any way render such water impure, or whoever  
4 shall wilfully or maliciously injure any of the works of the  
5 said corporation, shall be punished by a fine not exceeding  
6 one thousand dollars, or by imprisonment not exceeding two  
7 years, and shall be liable to the said corporation for three  
8 times the actual damage, to be recovered in any proper action.

Sect. 11. The capital stock of the said corporation shall be  
2 twenty-five thousand dollars, which may be increased to any  
3 sum not exceeding fifty thousand dollars, by a majority vote  
4 of the stockholders of the said corporation; and the stock  
5 shall be divided 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 fifty 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 subscribed for, and secure the  
5 same by mortgage of its franchise and property.

Sect. 14. The first meeting of the corporation shall be  
2 called by a written notice therefor, signed by any two of  
3 the named incorporators, served upon each named incorpo-  
4 rator by giving him the same in hand, or by leaving the same  
5 at his last and usual place of abode, at least seven days  
6 before the time of meeting, or by publishing said notice in  
7 some newspaper published in the county of Franklin.

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

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, February 22, 1907.

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

E. M. THOMPSON, *Clerk.*