

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 126

STATE OF MAINE.

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

AN ACT to incorporate the Northern Water Company.

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

Section 1. Garrett Schenck, A. Ledyard Smith and H.
2 S. Ferguson, or such of them as may by vote accept this act,
3 together with their associates, successors, or assigns, are
4 hereby made a corporation by the name of the Northern
5 Water Company, for the purpose of supplying the inhabitants
6 of Township A, Range 7, in the county of Penobscot, and
7 any municipality or corporation located within the limits of
8 said township, with pure water for domestic, sanitary and
9 municipal purposes, including the extinguishment of fire,
10 with all the incidental powers, rights and privileges neces-

11 sary and convenient for the accomplishment of the purpose
12 above set forth, and said corporation shall possess all the
13 powers, privileges and immunities and be subject to all the
14 duties, obligations, regulations, restrictions, liabilities and
15 penalties now or hereafter provided by the public laws of
16 the state, relating to similar corporations.

Sect. 2. The said corporation, for the purposes of its
2 incorporation, is hereby authorized to take, collect, detain,
3 hold, store, divert, use and distribute the water from any
4 spring, pond, stream, river or other source of water supply
5 in Township A, Range 7, in the county of Penobscot, and
6 may take and hold by purchase, lease or otherwise such real
7 and personal estate as may be necessary and convenient for
8 its purposes.

Sect. 3. The said corporation is hereby authorized to sur-
2 vey for, locate, lay, construct and maintain in, under,
3 through, along, over and across any water-course, stream,
4 river, street, highway or other way, railroad and bridge in
5 said Township A, such aqueducts, pipes, hydrants and other
6 structures and appurtenances as may be necessary and con-
7 venient for the said purposes of the said corporation, and to
8 take up, replace and repair the same; and said corporation
9 shall be responsible for all damages to the said township
10 and to all corporations, persons and property, occasioned by
11 such use of said highways, ways and streets. Whenever the
12 said corporation shall lay down, construct or repair any fix-
13 tures in any highway, way or street, it shall cause the same

14 to be done with as little obstruction to public travel as may
15 be practicable, and shall at its own expense, without unnec-
16 essary delay, cause the earth and pavement removed by it,
17 to be replaced in proper condition.

Sect. 4. The said corporation is hereby authorized to take
2 and hold, by purchase or otherwise, any lands 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, lines of pipe, hydrants
6 and other necessary structures or fixtures in, over and
7 through any land for the said purposes, and excavate in
8 and through such land for such location, construction and
9 erection. And in general to do any acts necessary, con-
10 venient or proper, for carrying out any of the said purposes
11 of said corporation. It may enter upon such lands to make
12 surveys and locations, and shall file in the registry of deeds
13 for the county of Penobscot, plans of such locations and
14 lands, showing the property taken, and within thirty days
15 thereafter publish notice of such filing in some newspaper
16 in said county, such publication to be continued three weeks
17 successively.

Sect. 5. Should the said Corporation and the owner of any
2 land required for the said purposes of said Corporation, be
3 unable to agree upon the damages to be paid for such loca-
4 tion, taking, holding and construction, the land owner may
5 within twelve months after the said filing of plans or loca-
6 tion, apply to the commissioners of said county of Penob-

7 scot, and cause such damages to be assessed in the same
8 manner and under the same conditions, as are prescribed by
9 law in the case of damages by the laying out of railroads. If
10 the said Corporation shall fail to pay such land owner, or
11 deposit for his use with the clerk of the county commission-
12 ers aforesaid, such sums as may be finally awarded as dam-
13 ages, with costs when recovered by him, within ninety days
14 after notice of final judgment shall have been received by
15 the clerk of courts of the said county, the said location shall
16 be thereby invalid and the said Corporation shall forfeit all
17 rights under the same, as against the owner of the land. The
18 said Corporation may make a tender to any land owner
19 damaged under the provisions of this act, and if such land
20 owner recovers more damages than was tendered him by the
21 said corporation, he shall recover costs, otherwise the said
22 corporation shall recover costs. In case the said corporation
23 shall begin to occupy such land before the rendition of final
24 judgment, the land owner may require the said corporation
25 to file its bond to him with the said county commissioners in
26 such sum and with such sureties as they may approve, con-
27 ditioned for the payment of the damages that may be
28 awarded. No action shall be brought against the said corpo-
29 ration for such taking, holding and occupation, until after
30 such failure to pay or deposit as aforesaid. Failure to apply
31 for damages within the said twelve months shall be held to
32 be a waiver of the same.

Sect. 6. The said corporation is hereby authorized to make
2 contracts with the United States, the state of Maine, the
3 county of Penobscot, Township A, Range 7, and with the
4 inhabitants of said Township or any corporations doing bus-
5 iness therein for the supply of water for the purposes con-
6 templated in this act; and the said Township by its proper
7 officers is hereby authorized to enter into contract with the
8 said Northern Water Company for a supply of water for any
9 and all purposes mentioned in this act, and for such exemp-
10 tions from public burdens as said Township A and the said
11 Northern Water Company may agree upon, which, when
12 made, shall be legal and binding upon all parties thereto.

Sect. 7. The capital stock of the said Northern Water
2 Company shall be fifty thousand dollars, divided into five
3 hundred shares of one hundred dollars each.

Sect. 8. The said water company may issue its bonds for
2 the construction of its works, of any and all kinds, upon
3 such rates and time as it may deem expedient, not to exceed
4 the amount of the capital stock subscribed for, and secure
5 the same by mortgage of its franchise and property.

Sect. 9. The first meeting of the said company may be
2 called by either of the incorporators named in Section one
3 of this act, by a written notice signed by him stating the
4 time, place and purpose of the meeting and sent by mail to
5 each incorporator at least seven days before the said first
6 meeting.

Sect. 10. This act will take effect when approved.

STATE OF MAINE.

IN SENATE, February 21, 1907.

Reported by Mr. HASTINGS from Committee on Judiciary and laid
on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*