

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 419

STATE OF MAINE.

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

AN ACT to incorporate the Brewer Water Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Leon F. Higgins, Charles A. Harlow, William
2 B. Snow, Frank A. Floyd, Albert G. Dole, John E. Little-
3 field, Albert A. Kenney, Frank H. Nickerson, Calvin P.
4 Thomas, George W. Patten, Edward B. Burr, Charles H.
5 Small, Lyman B. Currier and George H. Reed, their asso-
6 ciates, successors and assigns, are hereby made a corpo-
7 ration by the name of the Brewer Water Company, for the
8 purpose of supplying the inhabitants of Brewer and the
9 towns of Veazie, Orrington, Eddington, Bucksport and
10 Holden, and all said municipalities with pure water for
11 domestic, sanitary, and municipal purposes.

Sect. 2. Said company, for said purposes, may retain,
2 collect, take, store, use, and distribute the waters of the
3 following ponds: Hopkins pond, Parks pond, and Fitz pond,
4 in the town of Clifton; Hatcase pond in the town of Ded-
5 ham; Thurston and Williams or Douglass in the town of
6 Bucksport; and may locate, construct, and maintain cribs,
7 reservoirs, aqueducts, gates, pipes, hydrants, and all neces-
8 sary structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct, and maintain in, under, through, along and across
3 the streets and highways of the towns of Clifton, Dedham,
4 Bucksport, Orrington, Eddington, Holden, and Veazie, and
5 of the city of Brewer, and to take up, replace, and repair,
6 all sluices, aqueducts, pipes, hydrants, and structures, as
7 may be necessary for the purposes of its incorporation, so
8 as not unreasonably to obstruct the same, under such rea-
9 sonable restrictions and conditions as the selectmen of such
10 towns may impose. Provided, however, that the rights to
11 lay, construct and maintain in, under, through, along and
12 across the streets and highways of the city of Brewer, all
13 sluices, aqueducts, pipes, hydrants and structures as pro-
14 vided herein, shall not obtain until consent thereto is given
15 said Brewer Water Company by the municipal officers of
16 said city of Brewer. This provision, however, is not to
17 apply to any subsequent laying, constructing and maintain-
18 ing in, under, through, along and across the streets and
19 highways of the said city of Brewer of all sluices, aq-

20 ducts, pipes, hydrants and structures as before provided,
21 after consent by said municipal officers to said Brewer Water
22 Company has once been given, to lay, construct and main-
23 tain in, under, through, along and across the streets and
24 highways of the city of Brewer all sluices, aqueducts, pipes,
25 hydrants and structures as above provided. Said company
26 is hereby authorized to lay, construct, and maintain its
27 pipes across the location of any railroad, and all work with-
28 in the limits of the railroad location shall be done under
29 the supervision and to the reasonable satisfaction of the
30 chief engineer of the railroad company. It shall be respon-
31 sible for all damages to persons and property occasioned
32 by the use of such highways, ways, and streets, and shall
33 further be liable to pay to said towns all sums recovered
34 against said towns for obstruction caused by said company,
35 and for all expenses, including reasonable counsel fees in-
36 curred in defending such suits, with interest on the same.
37 provided said company shall have notice of such and oppor-
38 tunity to defend the same.

Sect. 4. Said company shall have power to cross any
2 river, stream, or water course, private and public sewer, or
3 to change the direction of such sewers when necessary for
4 the purposes of its incorporation, but in such manner as not
5 to obstruct or impair the use thereof, and it shall be liable
6 for any injury caused thereby. Whenever said company
7 shall lay down any fixture in any highway, way, or street,
8 or make any alterations or repairs upon its works in any

9 highway, way, or street, it shall cause the same to be done
10 with as little obstruction to public travel as may be practi-
11 cable, and shall, at its own expense, without unnecessary
12 delay, cause the earth and pavements there removed by it
13 to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters
2 as limited in section two and also any lands necessary for
3 dams, power, reservoirs, and other necessary structures,
4 and may locate, lay, and maintain aqueducts, pipes, hydrants,
5 and other necessary structures and fixtures in, over and
6 through any lands for its said purposes, and excavate in
7 and through such lands for such location, construction and
8 maintenance. It may enter upon such lands to make sur-
9 veys and locations, and shall file in the registry of deeds
10 for the county in which such lands lie, plans of such loca-
11 tion and lands, showing the property taken, and within
12 thirty days thereafter, publish notice of such filing in some
13 newspaper published in said county, such publication to be
14 continued three weeks successively. Not more than one
15 rod in width of land shall be occupied by any one line of
16 pipe or aqueduct.

Sect. 6. Should the said company and the owner of such
2 land so taken be unable to agree upon the damages to be
3 paid for such location, taking, holding, and construction,
4 the damages shall be assessed in accordance with the law
5 applicable to the assessment of damages for ways taken
6 by railroads, so far as such law is consistent with the pro-

7 visions of this act. If said company shall fail to pay such
8 land owner, or deposit for his use with the clerk of the
9 county commissioners of the county where the land is lo-
10 cated, such sum as may be finally awarded as damages,
11 with costs when recovered by him, within ninety days after
12 notice of final judgment shall have been received by the
13 clerk of courts of said county, the said location shall thereby
14 be rendered invalid, and said company shall forfeit all rights
15 under the same as against such land owner. Said company
16 may make a tender to any land owner damaged under the
17 provisions of this act, and if such land owner recovers more
18 damages than were tendered him by said company, he shall
19 recover costs; otherwise said company shall recover costs.
20 In case said company shall begin to occupy such lands be-
21 fore the rendition of final judgment, the land owner may
22 require said company to file its bond to him with the county
23 commissioners of the county in which the land lies, in such
24 sum and with such sureties as they approve, conditioned
25 for said payment or deposit. No action shall be brought
26 against said company for such taking, holding, and occu-
27 pation until after such failure to pay or deposit as afore-
28 said. Failure to apply for damages within three years by
29 the land owner shall be held to be a waiver of the same.

Sect. 7. This corporation is hereby authorized to acquire
2 and hold by purchase, or otherwise, all the property, rights,
3 privileges, immunities, and franchise of any similar exist-
4 ing corporation located or doing a similar business in said

5 Brewer or said towns of Orrington, Eddington, Veazie,
6 Holden and Bucksport, organized for similar purposes, upon
7 such terms as may be agreed upon by said corporations, and
8 upon such purchase and transfer said corporation so pur-
9 chasing shall have, hold, possess, exercise and enjoy all the
10 locations, powers, privileges, rights, immunities, franchises,
11 property, and estate which at the time of such purchase and
12 transfer shall then be had, held, possessed, exercised, and
13 enjoyed by said corporation so selling, and to purchase and
14 hold the capital stock and bonds of any such corporations.

Section 8. Said company is hereby authorized to make
2 contracts with corporations, and inhabitants of said city of
3 Brewer and the towns of Orrington, Eddington, and Holden,
4 Veazie and Bucksport, or any village corporation therein,
5 for the purpose of supplying water as contemplated by this
6 act; and said city by its common council, said towns by their
7 selectmen, or such village corporation by its assessors, are
8 hereby authorized to enter into contracts with said com-
9 pany for a supply of water for public uses, on such terms
10 and for such time as the parties may agree, which, when
11 made, shall be legal and binding on all parties thereto, and
12 said towns for this purpose may raise money as for other
13 town charges. In case this company shall acquire the prop-
14 erty and franchise of any existing company supplying water
15 in any of said municipalities, it shall assume and carry out
16 the existing contracts between said company and any of
17 said municipalities.

Sect. 9. The capital stock of said company shall be five
2 hundred thousand dollars, and said stock shall be divided
3 into shares of one hundred dollars each.

Sect. 10. Said company for all of its said purposes, may
2 hold real and personal estate necessary and convenient there-
3 for, not exceeding one million dollars.

Sect. 11. Said company may issue its bonds for the pur-
2 chase of or for the construction of its works, or the capital
3 stock or bonds of any other similar corporation doing busi-
4 ness in any of said municipalities, said company may issue
5 its bonds, of any and all kinds upon such rates and time as
6 it may deem expedient, to any amount not to exceed in all
7 the capital stock of said corporation, and secure the same
8 by mortgage or mortgages of the franchise and property
9 of said company.

Sect. 12. The first meeting of said company may be called
2 by a written notice thereof, signed by any corporator herein
3 named, served upon each corporator by giving him the same
4 in hand, or by leaving the same at his last usual place of
5 abode, seven days before the time of meeting.

Sect. 13. This act shall become null and void in two years
2 from the day when the same shall take effect, unless said
3 company shall have organized and commenced actual busi-
4 ness under this charter; and shall become null and void in
5 case the territory and the people within the city of Brewer
6 shall, at the present term of the Legislature, become incor-
7 porated as a public municipal corporation for the purpose

8 of supplying the said Brewer and the said towns of Veazie,
9 Orrington, Eddington, and Holden with pure water for
10 domestic, sanitary, and municipal purposes, which act shall
11 be accepted and approved by a majority vote of the legal
12 voters of the city of Brewer, voting at the election to be
13 specially called and held for the purpose, on the second
14 Monday of June, nineteen hundred and nine, as provided
15 for in said act incorporating said Brewer Water District.
16 This corporation shall exercise no rights hereunder in
17 Bucksport until such a time as it shall acquire the capital
18 stock or property and franchises of the Bucksport Water
19 Company, and shall have no rights to take water from
20 Williams or Douglas pond in said Bucksport until it shall
21 acquire such capital stock of said Bucksport Water Com-
22 pany or its property and franchises, and this corporation
23 shall exercise no rights hereunder in said Brewer or said
24 Veazie until such a time as it shall acquire the property and
25 franchises of the Public Works Corporation or its succes-
26 sors or assigns so far as the same pertain to the purposes
27 of this corporation.

Sect. 14. The said Public Works Corporation, its succes-
2 sors or assigns, or other companies referred to in section
3 seven of this act are hereby authorized to sell and transfer
4 their respective franchises and property in said district or
5 said towns to said Water Company, as provided in said
6 section seven.

Sect. 15. Any person, firm, or corporation existing in any
2 of said municipalities, or carrying on therein the business
3 of supplying water for municipal, sanitary, or domestic pur-
4 poses, including the extinguishment of fire, is hereby au-
5 thorized to sell and transfer its property and franchises,
6 rights and privileges, capital stock and bonds to this cor-
7 poration, subject to all existing contracts and obligations,
8 to such municipalities as it is doing business in.

Sect. 16. This corporation is also hereby authorized to
2 sell and furnish water to and for the Orono Water Com-
3 pany and to connect with its water mains for the said pur-
4 pose in the said town of Eddington, and said Orono Water
5 Company is hereby authorized to contract with this cor-
6 poration for the same.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES.

Augusta, March 3, 1909.

Reported by Mr. PETERS from Committee on Judiciary
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.