

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 744

STATE OF MAINE.

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

AN ACT to incorporate the Stratton Water Company.

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

Section 1. O. M. Blanchard, Allen Blanchard, Royal W.
2 Blanchard, B. Blanchard, Ralph Blanchard, with their as-
3 sociates and successors, are hereby made a corporation un-
4 der the name of the Stratton Water Company, for the pur-
5 pose of supplying the inhabitants of Stratton Village in the
6 town of Eustis with suitable water for industrial, manufac-
7 turing, domestic, sanitary and municipal purposes, including
8 the extinguishment of fire; with all the rights and privileges,
9 and subject to all the liabilities and obligations of similar
10 corporations under the laws of this State.

Sect. 2. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook or other waters in the town of Eustis or Flagstaff, Bigelow, or Coplin Plantations, except springs now in use for supplying water for domestic purposes; to conduct and distribute the same into and through the said village of Stratton; and to survey for, locate, construct and maintain suitable and convenient dams, reservoirs, buildings, machinery, lines of pipes, aqueducts, structures and appurtenances.

Sect. 3. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe under, in and over the Stratton Brook and any tributaries thereof, in the said town of Eustis or said plantations of Flagstaff, Bigelow or Coplin, and to build and maintain all necessary structures therefor, at such places as may be necessary for the said purposes of the said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, where necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury or damage caused thereby.

Sect. 4. The said corporation is hereby authorized to lay, construct and maintain in, under through, along, over and across the highways, ways, streets, railroads and bridges in the said town of Eustis, and to take up, replace and repair, all such aqueducts, pipes, hydrants and other structures and

6 fixtures as may be necessary and convenient for the said pur-
7 poses of said corporation; and the said corporation shall be
8 responsible for all damages to said town and to all corpora-
9 tions, persons, and property, occasioned by such use of the
10 said highways, ways and streets. Whenever the said cor-
11 poration shall lay down or construct any fixtures in any
12 highway, way or street, or make any alterations or repairs
13 upon works in any highway, way or street, it shall cause the
14 same to be done with as little obstruction to public travel as
15 may be practicable, and shall at its own expense, without un-
16 necessary delay, cause the earth and pavement then removed
17 by it, to be replaced in proper condition.

Sect. 5. 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 and
6 other necessary structures or fixtures, in, over and through
7 any land for the said purposes, and excavate in and through
8 such land for such location, construction and erection. And
9 in general to do any acts necessary, convenient or proper, for
10 carrying out any of the said purposes of incorporation. It
11 may enter upon such lands to make surveys and locations,
12 and shall file in the registry of deeds for the county of
13 Franklin, plans of such locations and lands, showing the
14 property taken, and within thirty days thereafter publish no-
15 tice 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 any
18 one line of pipe or aqueduct

Sect. 6. Should the said corporation and the owner of any
2 land required for the said purposes of incorporation, be un-
3 able to agree upon the damages to be paid for such location,
4 taking, holding and construction, the land owner may, within
5 twelve months after the said filing of plans of location, ap-
6 ply to the commissioners of said county of Franklin, and
7 cause such damages to be assessed in the same manner and
8 under the same conditions, as are prescribed by law in the
9 case of damages by the laying out of railroads. If the said
10 corporations shall fail to pay such land owner, or deposit for
11 his use with the clerk of the county commissioners aforesaid,
12 such sums as may be finally awarded as damages, with costs
13 when recovered by him, within ninety days after notice of
14 final judgment shall have been received by the clerk of
15 courts of the said county, the said location shall be thereby
16 invalid and the said corporation shall forfeit all rights under
17 the same, as against the owner of the land. The said cor-
18 poration may make a tender to any land owner damaged un-
19 der the provisions of this act, and if such land owner re-
20 covers more damages than was tendered him by the said
21 corporation, he shall recover cost, otherwise the said corpora-
22 tion shall recover cost. In case the said corporation shall
23 begin to occupy such land before the rendition of final judge-

24 ment, the land owner may require the said corporation to
25 file its bond to him with the said county commissioners, in
26 such sum and with such sureties as they may approve, condi-
27 tioned for the payment of the damages that may be awarded.
28 No action shall be brought against the said corporation for
29 such taking, holding and occupation, until after such failure
30 to pay or deposit as aforesaid. Failure to apply for dam-
31 ages within the said twelve months, shall be held to be a
32 waiver of the same.

Sect. 7. 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 Eustis, and with the plana-
4 tations of Flagstaff, Coplin or Bigelow, and with the in-
5 habitants thereof or any corporations doing business there-
6 in, for the supply of water and power for the purposes con-
7 templated in this act; and the said town and corporation
8 by their proper officers, are hereby authorized to enter into
9 contract with the said corporation for a supply of water for
10 any and all purposes mentioned in this act, and for such ex-
11 emption from public burdens as the said town and the said
12 corporation may agree upon, which when made, shall be
13 legal and binding upon all parties thereto.

Sect. 8. The capital stock of the said corporation shall be
2 fifty thousand dollars, and the stock shall be divided into
3 shares of one hundred dollars each.

Sect. 9. The said corporation for all its purposes, may
2 hold real and personal estate necessary and convenient there-
3 for, to the amount of fifty thousand dollars.

Sect. 10. 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 not to exceed the
4 amount of the capital stock subscribed for, and secure the
5 same by mortgage of its franchise and property.

Sect. 11. The first meeting of said corporation shall be
2 called by a written notice thereof, signed by any two of the
3 named incorporators, served upon each named incorporator
4 by giving him the same in hand, or by leaving the same at his
5 last and usual place of abode, at least seven days before the
6 time of meeting, or by publishing said notice in some news-
7 paper published in Phillips.

Sect. 12. Said town of Eustis or any water district in-
2 cluding said town or portion thereof at any time after the
3 expiration of five years from the opening for use and service
4 of a system of water works constructed by said corporation
5 and after a vote in a legal town meeting to that effect has
6 been passed, shall have the right to purchase, and by this act
7 said corporation is required to sell to said town said sys-
8 tem of water works including everything appertaining there-
9 to, and if said town or said water district and said corpora-
10 tion cannot agree upon the terms and price, then such terms

11 and price shall be determined and fixed by the chief justice
12 of the supreme court of the State of Maine, after due hearing
13 of the parties interested, and from the decision of said chief
14 justice there shall be no appeal.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 20, 1909.

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

E. M. THOMPSON, *Clerk*