

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 423

STATE OF MAINE.

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

AN ACT to incorporate the Penobscot Bay Water Company.

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

Section 1. W. T. Haines, E. H. Gowing, John J. Moore,
2 their associates, successors and assigns, are hereby made a
3 corporation by the name of the "Penobscot Bay Water Com-
4 pany," for the purpose of supplying the towns of Searsport,
5 Stockton Springs, and the City of Belfast, all in the county
6 of Waldo, and the inhabitants of said municipalities with
7 pure water for domestic, sanitary, and municipal purposes,
8 including extinguishment of fires.

Sect. 2. Said company for said purposes, may retain, col-
2 lect, take store, use and distribute water from springs, ex-
3 cept such springs as are in actual use for domestic purposes,

4 ponds, streams, and other water sources, in said Searsport,
5 except Goose Pond and its outlet situated in the towns of
6 Searsport, Frankfort and Swansville, or from Boyd's Pond,
7 in the town of Stockton Springs, and Prospect, and may lo-
8 cate, construct and maintain cribs, reservoirs, aqueducts,
9 gates, pipes, hydrants and all other necessary structures
10 therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, through, along and across the
3 highways, ways, streets, railroads and bridges in said munici-
4 palities, and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants, and structures as may be neces-
6 sary for the purposes of its incorporation, so as not to un-
7 reasonably obstruct the same, under such reasonable restric-
8 tions and conditions as the municipal officers of said munici-
9 palities may impose. It shall be responsible for all damages
10 to persons and property occasioned by the use of such high-
11 ways, ways and streets, and shall further be liable to pay to
12 said municipalities for damages for obstruction caused by
13 said company, and for all expenses, including reasonable
14 counsel fees incurred in defending such suits, with interest
15 on the same, provided said company shall have notice of such
16 suits and opportunity to defend the same.

Sect. 4. Said company shall have power to cross any
2 water course, private and public sewer, or to change the di-
3 rection thereof when necessary for the purposes of its incor-
4 poration, but in such manner as not to obstruct or impair the

5 use thereof, and it shall be liable for any injury caused there-
6 by. Whenever said company shall lay down any fixture in
7 any highway, way or street, or make any alterations or re-
8 pairs upon its works in any highway, way or street, it shall
9 cause the same to be done with as little obstruction to public
10 travel as may be practicable, and shall, at its own expense,
11 without unnecessary delay, cause the earth and pavements
12 there removed by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters as
2 limited in section two and also any lands necessary for reser-
3 voirs, and other necessary structures, may locate, lay and
4 maintain aqueducts, pipes, hydrants and other necessary
5 structures or fixtures in, over and through any lands for its
6 said purposes, and excavate in and through such lands for
7 such location, construction and maintenance. It may enter
8 upon such lands to make surveys and location, and shall file
9 in the registry of deeds for said county of Waldo, plans of
10 such location and lands, showing the property taken, and
11 within thirty days thereafter, publish notice of such filing in
12 some newspaper in said county, such publication to be con-
13 tinued three weeks successively. Not more than one rod in
14 width of land shall be occupied by any one line of pipe or
15 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, the
4 damages shall be assessed in accordance with the law ap-

5 plicable to the assessment of damages for ways taken by
6 railroads, so far as such law is consistent with the provisions
7 of this act. If said company shall fail to pay such land
8 owner, or deposit for his use with the clerk of the county
9 commissioners aforesaid, such sum as may be finally award-
10 ed as damages, with costs when recovered by him, within
11 ninety days after notice of final judgment shall have been
12 received by the clerk of courts of said county, the said loca-
13 tion shall be thereby invalid, and said company forfeit all
14 rights under the same as against such land owner. Said
15 company may make a tender to any land owner damaged
16 under the provisions of this act, and if such land owner
17 recovers more damages than were tendered him by said
18 company, he shall recover costs, otherwise said company
19 shall recover costs. In case said company shall begin to
20 occupy such lands before the rendition of final judgment,
21 the land owner may require said company to file its bond to
22 him with said county commissioners, in such sum and for
23 such sureties as they approve, conditioned for said payment
24 or deposit. No notice shall be brought against said com-
25 pany for such taking, holding and occupation, until after
26 such failure to pay or deposit as aforesaid. Failure to ap-
27 ply for damages within three years by the land owner, shall
28 be held to be a waiver of the same.

Sect. 7. Any person suffering damages by the taking
2 of water by said company as provided by this act, may have
3 his damages assessed in the manner provided in the preced-

4 ing section, and payment therefor shall be made in the same
5 manner and with the same effect. No action shall be
6 brought for the same until after the expiration of the time
7 of payment. And a tender by said company may be made
8 with the same effect as in the preceding section.

Sect. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations,
3 and inhabitants of said municipalities or any village corpo-
4 ration therein for the purposes of supplying water as con-
5 templated by this act; and said municipalities by their select-
6 men, or any village corporation by its assessors, and said
7 city by its city council, is hereby authorized to enter into
8 contract with said company for a supply of water for pub-
9 lic uses, on such terms and for such time as the parties may
10 agree, which when made, shall be legal and binding on all
11 parties thereto, and said municipalities for this purpose may
12 raise money in the same manner as for other municipal
13 charges.

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 all real estate and personal estate necessary and con-
3 venient therefor.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works of any and all kinds upon such rates
3 and time as it may deem expedient, to an amount not ex-

4 ceeding in all the capital stock of said corporation, sub-
5 scribed for, and secure the same by mortgage or mortgages
6 of the franchise and property of said company.

Sect. 12. Said corporation is further authorized to pur-
2 chase or lease the property, capital stock, bonds, rights, priv-
3 ileges, immunities and franchises of the Searsport Water
4 Company of Searsport, Maine, of the Stockton Springs
5 Water Company of Stockton Springs, Maine, and the Bel-
6 fast Water Company of Belfast, Maine, upon such terms as
7 may be mutually agreed upon. And upon such purchase or
8 lease this corporation shall have, hold, possess, exercise and
9 enjoy all the locations, powers, privileges, rights, immuni-
10 ties, franchises, property and assets, which at the time of
11 such transfers shall then be had, held and possessed or en-
12 joyed by any of said water companies, and shall be subject
13 to all the duties, restrictions and liabilities to which any of
14 said companies shall then be subject by reason of any char-
15 ter, contracts, mortgages or other obligations or by any gen-
16 eral or special law required. And the said Searsport Water
17 Company or Stockton Springs Water Company or Belfast
18 Water Company are each and severally hereby authorized to
19 sell or lease its property, capital stock, bonds, rights, priv-
20 ileges, immunities and franchises to this corporation upon
21 such terms as may be mutually agreed upon, but such sale
22 or lease made by any of such water companies to this cor-
23 poration shall be made subject to all the outstanding obliga-
24 tions and liabilities and contracts of each of said water com-

25 panies. And any mortgage which this corporation may
26 make of its franchise and property to secure any bonds or
27 other liability or indebtedness shall be subject to all out-
28 standing bonds or other indebtedness against any of said
29 water companies existing at the time, and this corporation is
30 hereby authorized to issue its stock and bonds in payment
31 or exchange for the stock and bonds, franchises and prop-
32 erty of any of the said water companies in such manner and
33 for such amount as may be mutually agreed upon between
34 this corporation and any of said water companies or the
35 stockholders thereof.

Sect. 13. The franchise granted by this act shall not take
2 effect in the city of Belfast until said Penobscot Bay Water
3 Company shall have acquired the franchise, property, rights,
4 privileges and immunities of the Belfast Water Company
5 and shall thereafter continue in effect in the said city of
6 Belfast only so long as said Penobscot Bay Water Company
7 shall continue to own said franchise, property, rights, priv-
8 ileges and immunities of said Belfast Water Company. And
9 the franchise granted by this act shall not take effect in the
10 town of Searsport until said Penobscot Bay Water Com-
11 pany shall have acquired the franchise, property, rights, priv-
12 ileges and immunities of the Searsport Water Company
13 and shall thereafter continue in effect in the said town of
14 Searsport only so long as said Penobscot Bay Water Com-
15 pany shall continue to own said franchise, property, rights,
16 privileges and immunities of said Searsport Water Com-

17 pany. And the franchise granted by this act shall not take
18 effect in the town of Stockton Springs until said Penobscot
19 Bay Water Company shall have acquired the franchise,
20 property, rights, privileges and immunities of the Stockton
21 Springs Water Company and shall thereafter continue in
22 effect in the said town of Stockton Springs only so long as
23 said Penobscot Bay Water Company shall continue to own
24 said franchise, property, rights, privileges and immunities
25 of said Stockton Springs Water Company.

Sect. 14. The directors of this corporation may designate any person to act as the agent of this corporation to vote the capital stock, which it may own in any of the water companies hereinbefore designated, at any stockholder's meeting of any of said companies.

Sect. 15. This company is hereby authorized to buy and pay for the use of the water pipes of both the said Searsport Water Company and the said Stockton Springs Water Company for the conveyance of water from said Boyd Lake to Belfast, or any part of the distance thereof. And the said Searsport Water Company and the said Stockton Springs Water Company are hereby authorized to sell the use of their water pipes to this company for said purposes, on such terms and conditions as may be mutually determined and agreed upon by the parties in interest.

Sect. 16. In case there shall prove at any time to be an insufficient supply of water in Boys Pond for all of the inhabitants of all the territory included in this charter for

4 domestic, sanitary and municipal purposes including the ex-
5 tinguishing of fires, the towns of Searsport and Stockton
6 Springs shall have a joint prior right thereto ahead of any
7 of the other territory named in this charter.

Sect. 17. The first meeting of said corporation may be
2 called by any corporator within named by notice thereof in
3 writing signed by said corporator and given in hand or
4 mailed to each of the other corporators, at least seven days
5 before said meeting, and any corporator may act at said
6 meeting, by written proxy.



STATE OF MAINE.

IN SENATE,

March 16, 1909.

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

F. G. FARRINGTON, *Secretary.*