

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 187

House of Representatives, Feb. 14, 1911.

*Reported by Mr. Bogue, from Committee on Judiciary, and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the Bluehill Water Company.

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

Section 1. Forrest B. Snow, Harvey H. McIntyre, Roscoe
2 De Long, their associates, successors and assigns, are hereby
3 made a corporation by the name of the Bluehill Water Com-
4 pany, for the purpose of supplying the town of Bluehill, in
5 the County of Hancock, and the inhabitants of said town,
6 with pure water for domestic, sanitary, municipal and pub-
7 lic purposes, including extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 except such springs as are in actual use for domestic pur-
4 poses, ponds, streams, or other water sources, in said Blue-
5 hill, and may locate, construct and maintain cribs, reservoirs,

6 aqueducts, gates, pipes, hydrants and all other necessary
7 structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, though, along and across
3 the highways, ways, streets, railroads and bridges in said
4 town, 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
7 unreasonably obstruct the same, under such reasonable re-
8 strictions and conditions as the selectmen of said town may
9 impose. It shall be responsible for all damages to persons
10 and property occasioned by the use of such highways, ways
11 and streets, and further shall be liable to pay to said town
12 all sums recovered against said town for damages for ob-
13 struction caused by said company, and for all expenses, in-
14 cluding reasonable counsel fees incurred in defending such
15 suits, with interest on the same, provided said company
16 shall have notice of such suits and opportunity to defend
17 the same.

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

9 or street, it shall cause the same to be done with as little
10 obstruction to public travel as may be practicable, and shall,
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced in
13 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 reservoirs, and other necessary structures, and may locate,
4 lay and maintain aqueducts, pipes, hydrants and other nec-
5 essary structures and fixtures in, over and through any
6 lands for its said purposes, and excavate in and through
7 such lands for such location, construction and maintenance.
8 It may enter upon such lands to make surveys and loca-
9 tion, and shall file in the registry of deeds for said county
10 of Hancock, plans of such location and lands, showing
11 the property taken, and within thirty days thereafter, pub-
12 lish notice of such filing in some newspaper in said county,
13 such publication to be continued three weeks successively.

Sect. 6. Should said company and the owner of such
2 lands 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 laws
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 aforesaid, such sum as may be finally

10 awarded as damages, with costs when recovered by him,
11 within ninety days after notice of final judgment shall have
12 been received by the clerk of courts of said county, the said
13 location shall be hereby invalid, and said company forfeit
14 all 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 by said com-
18 pany, he shall recover costs, otherwise said company shall
19 recover costs. In case said company shall begin to occupy
20 such lands before the rendition of final judgment, the land
21 owner may require said company to file its bond to him with
22 said county commissioners, in such sum and with such
23 sureties as they approve, conditioned for said payment or
24 deposit. No action shall be brought against said company
25 for such taking, holding and occupation, until after such
26 failure to pay or deposit as aforesaid. Failure to apply
27 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 damage by the taking of
2 water by said company as provided by this act, may have
3 his damages assessed in the manner provided in the pre-
4 ceding Section, and payment thereof shall be made in the
5 same 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 town of Bluehill or any village
4 corporation therein for the purpose of supplying water as
5 contemplated by this act; and said town of Bluehill by its
6 selectmen, or any such village corporation by its assessors,
7 is hereby authorized to enter into contract with said com-
8 pany for a supply of water for public uses, on such terms
9 and for such time as the parties may agree, which when
10 made, shall be legal and binding on all parties thereto, and
11 said town of Bluehill for this purpose may raise money in
12 the same manner as for other town charges.

Sect. 9. Said company for all its said purposes, may
2 hold real and personal estate necessary and convenient
3 therefor.

Sect. 10. The capital stock of said company shall be
2 twenty-five thousand dollars, which may be from time to
3 time increased by vote of said company not to exceed fifty
4 thousand dollars, and shall be divided into shares of ten
5 dollars each.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works and for other purposes of its incor-
3 poration of any and all kinds upon such rates and time as
4 it may deem expedient, to an amount not exceeding the
5 amount of the capital stock subscribed for, and secure the
6 same by mortgage of its franchise and property.

Sect. 12. The first meeting of said company may be

2 called by written notice thereof signed by any of the cor-
3 porators herein named, served upon each of the other cor-
4 porators by giving him the same in hand, or by leaving the
5 same at his last usual place of abode, or by mailing the
6 same to him at his last known residence or place of busi-
7 ness, or by publishing the same in some newspaper in the
8 county of Hancock at least seven days before the time of
9 such meeting.

Sect. 13. Said town of Bluehill, or any village corpora-
2 tion within the limits of said town of Bluehill, at any time
3 after the expiration of five years from the opening for use
4 and service of a system of water works constructed by said
5 company and after a vote in a legal meeting to that effect
6 has been passed, shall have the right to purchase, and by
7 this act said company is required to sell to said town, or
8 said village corporation, said system of water works, to-
9 gether with the franchises of this company relating there-
10 to, for such price as may be agreed upon by said town, or
11 said village corporation, and said company. And should
12 said parties be unable to agree upon the amount the same
13 shall be determined by a commission of three competent
14 and disinterested men, one of whom shall be selected by
15 said company, one by said town of Bluehill, or by said
16 village corporation, and the third by the two so selected
17 if they can agreed, if not, then by the chief justice of the
18 supreme judicial court of Maine. The award of said com-
19 missioners, not less than cost, shall be binding upon said

20 company and said town, or village corporation, and said
21 town or village corporation shall pay the amount of said
22 award for said system of water works and franchises with-
23 in ninety days from the date when such award shall be
24 rendered. The costs of said commission shall be borne
25 equally by the said company and said town or village cor-
26 poration.

Sect. 14. It is expressly provided as a condition to the
2 granting of this charter that unless actual work of con-
3 structing a system of water works in Bluehill is commenced
4 in good faith on or before December 15th, 1912, this act
5 shall be null and void, and all rights granted under it shall
6 cease and determine, and no application shall be made to
7 the next legislature for its renewal; and that in case of
8 such failure to commence actual construction the granting
9 of this charter shall not be regarded as a bar to the renewal
10 by the next legislature of the charter granted to the corpor-
11 ation called "Blue Hill Water Company" incorporated by
12 Chapter 353 of the Private and Special Laws for the year
13 1889 and amendments thereof and additions thereto.