

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-FIFTH LEGISLATURE

HOUSE

NO. 235

House of Representatives, Feb. 17, 1911.

*Reported by Mr. Hersey 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 Westfield Water Company.

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

Section 1. Enoch B. Briggs, Rue T. Snow, Lincoln R.
2 Sinclair, with such parties as they may vote to associate
3 with them, and their successors, are incorporated in a body
4 politic by the name of the Westfield Water Company, for
5 the purpose of conveying to and supplying the town of
6 Westfield in Aroostook county, and village of said West-
7 field, with pure water for domestic and municipal purposes,
8 the extinguishment of fires, and for manufacturing.

Sect. 2. Said corporation for said purposes may hold all
2 such real estate and personal property as may be necessary
3 or convenient therefor.

Sect. 3. Said corporation is hereby authorized, for the
2 purposes aforesaid, to take, detain and use the waters of
3 any ponds or streams in said town of Westfield, and is also
4 authorized to erect and maintain dams, stand pipes and res-
5 ervoirs, and lay down and maintain pipes and aqueducts
6 necessary for the proper accumulating, conducting, discharg-
7 ing, distributing and disposing of water; and said corpora-
8 tion may take and hold by purchase or condemnation any
9 lands or real estate necessary therefor, and may excavate
10 through any lands necessary for such purposes.

Sect. 4. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person by the taking
3 of any land or other property, or by flowing or by exca-
4 vating through the same, the same to be taken and the dam-
5 ages assessed therefor in the manner provided for taking
6 lands for steam railroads, so far as the same is applicable.

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

Sect. 6. Said corporation is hereby authorized to lay in
2 and through the streets and ways in said town of Westfield,
3 and to take up, replace and repair all such pipes, aqueducts
4 and fixtures as may be necessary for carrying out its pur-
5 poses, the same to be done under such reasonable restric-
6 tions as the selectmen of said town may impose.

Sect. 7. Said corporation is hereby authorized to make
2 contracts with corporations and inhabitants of said town
3 and with said town, for the purpose of supplying water as
4 contemplated in this act; and the municipal officers of said
5 town are hereby authorized to enter into contracts for a
6 term of years with said company for the supply of water
7 for municipal and fire purposes and for such exemption
8 from public burden as they and said company may agree,
9 which when made shall be legal and binding upon all par-
10 ties thereto.

Sect. 8. Said corporation may declare dividends on its
2 capital stock not to exceed six per cent per annum, and if
3 the net receipts of said company after the paying of all fixed
4 charges, expenses and repairs, and depreciation, exceeds said
5 amount, such surplus shall be applied to reduction of water
6 rates, or expenses of its pipes and service.

Sect. 9. Said corporation shall have the right to cross any
2 public or private sewer, or to change the direction thereof
3 when necessary, but not to impair the use of the same.
4 Whenever the company shall lay down any pipes in any
5 streets, or make any alterations or repairs in any highway,
7 it shall cause the same to be done with as little obstruction
8 to public travel as may be practicable and without unneces-
9 sary delay restore said highway to its original condition.

Sect. 10. Any person who shall wilfully injure any of the
2 property of said corporation, or shall corrupt the waters
3 which are the source of supply furnished by said corpora-

4 tion, or any tributaries thereof, in any manner whatever, or
5 render them impure, whether the same be frozen or not;
6 or shall wilfully destroy or injure any dam, reservoir, pipe,
7 hydrant or other thing used in transmitting and supplying
8 water, shall be punished by a fine not exceeding one thou-
9 sand dollars, or by imprisonment not more than two years,
10 and shall be liable to said corporation for three times the
11 actual damage, to be recovered in an action of debt.

Sect. 11. Said corporation may from time to time issue
2 bonds for the construction of its works, upon such rates and
3 time as it may deem expedient, and secure the same by mort-
4 gages on its franchises and property then owned or there-
5 after by it to be acquired.

Sect. 12. The first meeting of said corporation may be
2 called by a written notice thereof signed by any of the cor-
3 porators herein named, served upon each corporator by giv-
4 ing the same to him in hand, or by mailing to him postage
5 prepaid, seven days at least before the date of said meeting.

Sect. 13. At any time after five years from the date of
2 the approval of this act the town of Westfield, or any village
3 corporation within the limits of said town of Westfield, if
4 its inhabitants shall so vote, by a two-thirds vote, at a legal
5 meeting called therefor, shall have the right to purchase the
6 system of water works constructed by said company in said
7 town for supplying said town and the village of said West-
8 field and the inhabitants thereof, together with the fran-
9 chises of this company relating thereto, at a price to be

10 agreed upon between said company and said town or village
11 corporation; and if such price cannot be agreed upon, then
12 at a price, which shall be determined by a commission of
13 three competent and disinterested men, one of whom shall
14 be selected by said company, one by said town of Westfield,
15 or by said village corporation, and the third by the two so
16 selected if they can agree, if not, then by the chief justice
17 of the supreme judicial court of Maine. The award of
18 said commissioners, not less than cost, shall be binding upon
19 said company and said town, or village corporation, and
20 said town or village corporation shall pay the amount of
21 said award for said system of water works and franchises
22 within ninety days from the date when such award shall be
23 rendered. The costs of said commission shall be borne
24 equally by the said company and said town or village cor-
25 poration.