

# 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)

NEW DRAFT.

---

---

SEVENTY-FIFTH LEGISLATURE

---

---

HOUSE

NO. 307

---

---

*House of Representatives, Feb. 27, 1911.*

*Reported by Mr. Chase 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 Ogunquit Sewerage Company.

---

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

Section 1. Edward T. Weare, F. Raymond Brewster, E.  
2 R. Hoyt, J. H. Littlefield, George A. Adams, N. P. M. Ja-  
3 cobs, Geo. H. Littlefield, Henry W. Weare and John W.  
4 Jacobs, with their associates, successors and assigns are  
5 hereby made a corporation under the name of the Ogunquit  
6 Sewerage Company, for the purpose of providing a system  
7 of sewers and drainage for the village of Ogunquit in the  
8 town of Wells, for the comfort, convenience and health of  
9 the people of Ogunquit, with all the rights, powers and

10 privileges and immunities incident or properly belonging to  
11 such corporations.

Sect. 2. Said corporation may acquire and hold real and  
2 personal estate necessary and convenient for the purposes  
3 aforesaid not exceeding in amount fifty thousand dollars,  
4 may sell and convey the same, may issue certificates of stock  
5 to an amount not exceeding twenty-five thousand dollars  
6 and may issue and sell bonds to the amount of twenty-five  
7 thousand dollars secured by mortgage of its works and  
8 franchise, to aid in the construction of its works.

Sect. 3. Said corporation is hereby authorized to take and  
2 hold by purchase or otherwise any land or real estate or  
3 easement therein necessary for forming basins, reservoirs  
4 and outlets, for erecting buildings for pumping works and  
5 for laying and maintaining conduits for carrying and col-  
6 lecting, discharging and disposing of sewerage matter and  
7 waters and for any other objects necessary, convenient and  
8 proper for the purpose of this act.

Sect. 4. Said corporation may construct conduits, in man-  
2 ner aforesaid, in and through said village of Ogunquit to  
3 and into the Atlantic Ocean, and discharge therefrom to be  
4 at such point in said ocean as is most convenient, and convey  
5 through the same sewerage, surface water and the natural  
6 flowage of existing water courses and secure and maintain  
7 basins, reservoirs and outlets; may construct and maintain  
8 flush tanks, manholes, lampholes and all usual appliances,  
9 public and private; may build and maintain pumping sta-

10 tions and buildings, constructions and appliances for collect-  
11 ing, holding, distributing and disposing of sewerage matter,  
12 may establish regulations for the use of sewers and fix and  
13 collect the prices to be paid for entering the same and also  
14 the annual rentals for using thereof, and said corporation  
15 is hereby authorized for the purposes aforesaid, having first  
16 obtained the permission of the municipal officers of said  
17 town and under such restrictions and regulations as said offi-  
18 cers may prescribe, to lay down through the streets, high-  
19 ways and lands of said towns, and take up, replace and re-  
20 pair all such conduits, pipes and fixtures as may be neces-  
21 sary for the objects of its incorporation, to carry and lay all  
22 conduits under any water force, way, public or private, or  
23 railroad in the manner prescribed by law, and to cross any  
24 drain or sewer or if necessary to change its direction in  
25 such manner as not to obstruct the use thereof, and to enter  
26 and dig up any such street, road or way, for the purpose of  
27 laying pipes beneath the surface thereof, for placing man-  
28 holes or other fixtures and for maintaining and repairing  
29 the same and in general to do any other act or things neces-  
30 sary, convenient and proper to be done for the purpose of  
31 this act.

Sect. 5. Said corporation shall file in the registry of deeds  
2 for the county of York a certificate containing a description  
3 of the land taken, or on which an easement may be taken  
4 under the provisions of this act and a statement of the pur-  
5 poses for which it is taken, to be recorded by the register

6 and such land or easement shall be deemed to be taken upon  
7 the filing of such certificate.

Sect. 6. Such corporation shall be liable to pay all damages  
2 that shall be sustained by any person in his property by the  
3 taking of any land or easement therein, under the provisions  
4 of this act; and if any person sustaining damages as afore-  
5 said and said corporation shall not mutually agree upon the  
6 sum to be paid therefor, such person may cause his dam-  
7 ages to be ascertained in the same manner and under the  
8 same conditions and limitations as are by law prescribed in  
9 the case of damages by the location of highways.

Sect. 7. Said corporation, at all times, after it shall com-  
2 mence receiving pay for the facilities supplied by it, shall  
3 be bound to permit the owners of all premises abutting upon  
4 its lines of pipes and conduits, to enter the same with all  
5 proper sewerage upon conformity to the rules and regula-  
6 tions of said company, and payment of the prices and rentals  
7 established therefor.

Sect. 8. Any person who shall place or leave any offensive  
2 or injurious matter or materials on the conduits, catch basins  
3 or receptacles of said corporation, contrary to its regula-  
4 tions, or shall wilfully injure any conduit, pipe, reservoir,  
5 flush tank, catch basin, manhole, lamphole, outlet, engine,  
6 pump or other property held, owned or used by said cor-  
7 poration for the purposes of this act, shall pay twice the  
8 amount of damages to a person, on conviction of either of  
9 said acts of wilful injury aforesaid shall be punished by fine

10 not exceeding two hundred dollars and by imprisonment not  
11 exceeding one year.

Sect. 9. Said corporation shall be liable to any person in-  
2 jured by any fault of said corporation or its agents, or any  
3 defect in the highways occasioned by the construction of the  
4 works of said company, during said construction or after  
5 the same have been completed, or while the same shall be  
6 undergoing repairs or extensions are being made; and said  
7 corporation shall also be liable to the town of Wells for any  
8 and all cost, damage and expense which said town may  
9 suffer or be put to by reason of the default, neglect, negli-  
10 gence or carelessness of said corporation or of any of its  
11 officers, servants or agents.

Sect. 10. Should the town of Wells at a meeting duly  
2 called for the purpose, vote to take over the works of said  
3 company, and at any time subsequent to the first day of  
4 January in the year of our Lord nineteen hundred fifteen,  
5 inform the said company of its intention to take over the  
6 said works, then and in that case, the said company shall,  
7 within sixty days after receipt of notice of such intention  
8 of the said town and upon the tender of the fair market  
9 value, at the time of the said works including all the rights  
10 and franchises of the company, convey and make over to the  
11 said town the said sewer works and system in their entirety  
12 as they then exist.

Sect. 11. Should said sewer works and system be taken  
2 over by the town as afoesaid, the consideration to be paid

3 by the town therefor, shall be the fair market value of the  
4 said works at the time of taking, including the rights and  
5 franchises of the said company, as may be agreed upon by  
6 the said parties thereto. And should said parties be unable  
7 to agree upon the amount to be so paid, the same shall be  
8 left to the determination of three persons to be chosen as  
9 follows, namely: one who shall not be a lawyer, to be se-  
10 lected by the company; one who shall not be a lawyer, to be  
11 chosen by the municipal officers of the town, and another  
12 who shall be learned in the law, to be chosen by the chief  
13 justice of the supreme court, whose finding in the matter  
14 shall be final and conclusive between the parties.

Sect. 12. The affairs of said corporation shall be con-  
2 trolled by a board of directors consisting of not less than  
3 seven members, the majority of which shall be citizens of  
4 the town of Wells, and elected annually by a vote of the  
5 stockholders of the corporation; and the board of directors  
6 shall choose such other officers as may from time to time be  
7 required by the by-laws of the corporation.

Sect. 13. Any two of the persons mentioned in the first  
2 section of this act, may call the first meeting of said corpo-  
3 ration by giving seven days' notice in writing to each of the  
4 other incorporators.