

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 688

House of Representatives, March 20, 1911.

*Reported by Mr. Herscy 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 Hermon Water Company.

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

Section 1. Charles N. Patten, J. Mellen Taylor of Hermon, Penobscot county, Maine, and Charles N. Taylor of Wellesley, Massachusetts, with their associates and successors, be and are hereby made a corporation under the name of the Hermon Water Company for the purpose of supplying the inhabitants of Hermon with suitable water for domestic, sanitary and municipal purposes, including extinguishment of fire; and said corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law.

Sect. 2. The place of business of said corporation will be

2 at Hermon in the county of Penobscot, and state of Maine.

Sect. 3. For any of the purposes aforesaid, or for the
2 preservation and purity of said water, said corporation is
3 hereby authorized to take directly or through pipes of any
4 other company upon such terms as may be agreed upon with
5 such other company, and said corporation is hereby author-
6 ized to take and use water from any spring, pond, brook,
7 well, stream, or other water sources, natural or artificial,
8 excepting such springs as are in actual use in the town of
9 Hermon, Penobscot county, Maine; to conduct and distribute
10 the same into and through the said town of Hermon; to
11 survey for, lay, locate, erect and maintain suitable dams,
12 reservoirs, and machinery, pipes, aqueducts and fixtures, to
13 carry its pipes or aqueducts under, in and over any bridge,
14 water course, street, railroad, highway, or other way; and
15 to cross any private or public sewer and to change the direc-
16 tion thereof when the said corporation deems it necessary,
17 but in such a manner so as not to obstruct or impair the use
18 thereof, and the said corporation shall be liable for any in-
19 jury hereby caused said sewer; to enter, pass over and ex-
20 cavate any lands and to take and hold by purchase or other-
21 wise any real estate, rights of way or of water and in general
22 to do any acts necessary, convenient or proper for any of the
23 purposes herein specified. And said corporation is further
24 authorized, for the purpose of making all needed repairs or
25 extension or service connections, to lay its pipes through
26 any public or private lands or ways, with the right to enter

27 upon the same or dig therein, and said corporation may make
28 written regulations for the use of said water, and change
29 the same from time to time. But in case of failure to agree
30 with any railroad company as to place, manner and con-
31 ditions of crossing its railroad with such pipes or aqueducts,
32 the place, manner and conditions of such crossing shall be
33 determined by the railroad commissioners and all work with-
34 in the limits of the railroad location shall be done under the
35 supervision and to the satisfaction of the officers and agents
36 of the railroad company, but at the expense of said water
37 company. It is also expressly provided that, the said Her-
38 mon Water Company may have the right to connect its said
39 mains, pipes or aqueducts with the system now controlled,
40 owned and operated by the city of Bangor, provided said
41 connection is assented to by the water board of the city of
42 Bangor.

Sect. 4. Said corporation may take and hold by lease or
2 purchase, real or personal estate necessary and convenient
3 for the purposes aforesaid, not exceeding fifty thousand dol-
4 lars.

Sect. 5. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person or corpora-
3 tion by the taking of any land, water or other property, or
4 by excavating through any reservoir, stand-pipe or other
5 structure herein authorized to be built, and also damages
6 resulting from said acts, and if any person sustaining dam-
7 ages as aforesaid and said corporation cannot mutually agree

8 upon the sum to be paid therefor, such damages may be as-
9 certained in the same manner and under the same conditions
10 and restrictions and limitations as are by law prescribed in
11 the case of damages by the laying out of railroads.

Sect. 6. The capital stock of said corporation shall not
2 exceed one hundred thousand dollars and shall be divided
3 into shares of twenty-five dollars each, and any manufactur-
4 ing corporation doing business in said Hermon is hereby
5 authorized to subscribe for and hold stock in said Hermon
6 Water Company. Said corporation is hereby authorized to
7 contract with any corporation in said town to furnish power
8 and other conveniences to carry out the purpose of this
9 corporation.

Sect. 7. Said corporation is hereby authorized to make
2 contracts with the United States, state of Maine, county of
3 Penobscot, the town of Hermon and with other corporations
4 and persons for the purpose of supplying water as contem-
5 plated in this act, and said town of Hermon by its select-
6 men is hereby authorized to sign and execute any contract
7 that may be entered into by the inhabitants of said town at
8 any meeting legally called for that purpose, for a term of
9 years with said company for a supply of water for fire and
10 other municipal purposes to said town, including the exemp-
11 tion or remission of taxes upon any real estate, fixtures,
12 franchises and plant of said corporation as a part of the con-
13 sideration of said contract.

Sect. 8. 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, to an amount not
4 exceeding its capital stock subscribed for, and secure the
5 same by mortgage of its franchise and property.

Sect. 9. Said town of Hermon at any time after the ex-
2 piration of ten years from the opening for use and service
3 of a system of water works constructed by said corporation
4 and after a vote in a legal town meeting to that effect has
5 been passed, shall have the right to purchase, and by this
6 act said corporation is required to sell to said town said sys-
7 tem of water works including everything appertaining there-
8 to, and if said town and corporation cannot agree upon the
9 terms, upon such terms and such price as shall be deter-
10 mined and fixed by the chief justice of the supreme court
11 of the state of Maine, after due hearing of the parties inter-
12 ested, and from the decision of said chief justice there shall
13 be no appeal.

Section 10. The first meeting of the corporation shall be
2 called by a written notice therefor, signed by any two of
3 the named incorporators served upon each named incorpo-
4 rator by giving him the same in hand, or by leaving the same
5 at his last and usual place of abode, at least seven days be-
6 fore the time of meeting, or by publishing said notice in
7 some newspaper published in the county of Penobscot.