

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. 689

House of Representatives, March 17, 1911.

*Reported by Mr. Peters from Committee on Legal Affairs
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 Kittery Sewer Company.

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

Section 1. Horace Mitchell, Calvin L. Hayes, James H.
2 Walker, James R. Philbrick, Clarence M. Prince, Willard
3 T. Spinney, and George D. Boulter, with their associates,
4 successors and assigns are hereby made a corporation under
5 the name of the Kittery Sewer Company for the purpose of
6 providing a system of sewers and drainage for the town of
7 Kittery or any part of said town for the comfort, con-
8 venience and health of the people of Kittery, with all the
9 rights, powers and privileges and immunities incident or
10 properly belonging to 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 one hundred thousand dollars,
6 and may issue and sell bonds to the amount of one hundred
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 town of Kittery to and
3 into the Piscataqua river, the discharge therefrom to be at
4 such points in said river 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
10 stations and buildings, constructions and appliances for col-
11 lecting, holding and distributing and disposing of sewerage
12 matter, may establish regulations for the use of sewers and

13 fix and collect the prices to be paid for entering the same
14 and also the annual rentals for using thereof, and said cor-
15 poration is hereby authorized for the purposes aforesaid,
16 having first obtained the permission of the municipal officers
17 of said town and under such restrictions and regulations as
18 said officers may prescribe, to lay down through the streets,
19 highways and lands of said town, and take up, replace and
20 repair all such conduits, pipes and fixtures as may be neces-
21 sary for the objects of its corporation; to carry and lay con-
22 duits under any water-course way, public or private, or rail-
23 road in the manner prescribed by law, and to cross any drain
24 or sewer or if necessary to change its direction in such man-
25 ner as not to obstruct the use thereof, and to enter and dig
26 up any such street, road or way, for the purpose of laying
27 pipes beneath the surface thereof, for placing manholes or
28 other fixtures and for maintaining and repairing the same
29 and in general to do any other acts or things necessary, con-
30 venient and proper to be done for the purpose of this act.

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

Sect. 6. Such corporation shall be liable to pay all dam-
2 ages that shall be sustained by any person in his property

3 by the taking of any land or easement therein, under the
4 provisions of this act; and if any person sustaining damages
5 as aforesaid and said corporation shall not mutually agree
6 upon the sum to be paid therefor, such person may cause
7 his damages to be ascertained in the same manner and under
8 the same conditions and limitations as are by law prescribed
9 in 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 be
3 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, lamp pole, outlet engine,
6 pump or other property held, owned or used by said corpo-
7 ration for the purposes of this act, shall pay twice the
8 amount of damages to said corporation to be recovered in
9 any proper action; and every such person, on conviction of
10 either of said acts of wilful injury aforesaid, shall be pun-
11 ished by fine not exceeding two hundred dollars and by im-
12 prisonment not exceeding one year.

Sect. 9. Said corporation shall be liable to any person

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

Sect. 10. Should the town of Kittery or the Kittery Water
2 District at a meeting duly called for the purpose, vote to
3 take over the works of said company, and at any time sub-
4 sequent to the first day of January in the year of our Lord
5 nineteen hundred twenty, inform the said company of its
6 intention to take over the said works, then and in that case,
7 the said company will, within sixty days after receipt of
8 notice of such intention of the said town or district and upon
9 the tender of the fair market value, at the time, of the said
10 works of the company, convey and make over to the said
11 town or district the said sewer works and system in their
12 entirety as they then exist and make, execute, acknowledge
13 and deliver such deeds, conveyances, transfers or other in-
14 struments as may be necessary to secure to the town or dis-
15 trict all and every right, title and interest whether in law
16 or in equity which the said company may have in said sewer
17 works and system.

Sect. 11. Should said sewer works and system to be taken
2 over by the town or district, as aforesaid, the consideration
3 to be paid by the town or district therefor, shall be the fair
4 market value of the said works at the time of taking, as may
5 be agreed upon by the said parties thereto. And should
6 said parties be unable to agree upon the amount to be so
7 paid, the same shall be left to the determination of three
8 persons to be chosen as follows: namely, one who shall not
9 be a lawyer, to be selected by the company, one who shall
10 not be a lawyer to be chosen by the municipal officers of
11 the town, and another who shall be learned in the law, to
12 be chosen by the chief justice of the supreme court, whose
13 finding in the matter shall be final and conclusive between
14 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 Kittery, 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
7 be required by the by-laws of the corporation, provided,
8 however, in the event of the corporation being acquired by
9 the Kittery Water District it shall be controlled by the
10 trustees of said district.

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 mailing a notice at least five days before said meet-
4 ing to all of the incorporators.