

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 115

In Sénate, Feb. 17, 1911.

Reported by Mr. Gowell from Committee on Judiciary and ordered printed under joint rules.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the New Sharon Water Company.

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

Section 1. O. B. Head, C. A. Thompson, W. W. Norcross,
2 V. G. Day, R. Y. Swift, E. H. Smith, J. A. Morrill, L. F.
3 Dolloff and E. E. Richards, with their associates and suc-
4 cessors, be and are hereby made a corporation under the
5 name of the New Sharon Water Company, for the purpose
6 of supplying the inhabitants of the town of New Sharon,
7 with pure water for domestic, sanitary and municipal pur-
8 poses, including the extinguishment of fires; and such cor-
9 poration shall possess all the powers and privileges and be
10 subject all the liabilities and obligations imposed upon
11 corporations by law, except as herein otherwise provided.

Sect. 2. The place of business of said corporation shall
2 be at New Sharon, in the county of Franklin and state of
3 Maine.

Sect. 3. For any of the purposes aforesaid the said cor-
2 poration is hereby authorized to take and use water from
3 any spring, pond, brook, well or other waters in the towns
4 of New Sharon and Vienna in Kennebec county, and to
5 survey for, locate, construct and maintain all suitable and
6 convenient dams, reservoirs, sluices, hydrants, wells, build-
7 ings, machinery, lines of pipe, aqueducts, structures and
8 appurtenances.

Sect. 4. The said corporation is hereby authorized to lay,
2 construct and maintain its lines of pipe in the said towns
3 of New Sharon and Vienna, and to build and maintain all
4 necessary structures therefor, at such places as shall be
5 necessary for the said purposes of said corporation; and to
6 cross any water course, private or public sewer, or to change
7 the direction thereof, when necessary for their said purpose
8 of incorporation, but in such manner as not to obstruct or
9 impair the use thereof, and the said corporation shall be
10 liable for any injury caused thereby.

Sect. 5. The said corporation is hereby authorized to lay,
2 construct and maintain in, under, through, along, over and
3 across the highways, ways, streets, railroads, streams, river
4 and bridges in the said towns, and to take up, replace and
5 repair, all such aqueducts, sluices, pipes, hydrants and other
6 structures and fixtures, as may be necessary and convenient

7 for any of the said purposes of the said corporation, under
8 such reasonable restrictions and conditions as the select-
9 men of the respective towns may impose; and the said cor-
10 poration shall be responsible for all damage to the said
11 towns and to all corporations, persons, and property, occa-
12 sioned by such use of the highway, ways and streets.

Whenever the said corporation shall lay down or construct
14 any pipes or fixtures in any highway, way or street, or make
15 any alteration or repairs upon its works, in any highway,
16 way or street, it shall cause the same to be done with as little
17 obstruction to public travel as may be practicable, and shall,
18 at its own expense, without unnecessary delay, cause the
19 earth and pavement then removed by it, to be placed in
20 proper condition.

Sect. 6. The said corporation is hereby authorized to take
2 and hold by purchase or otherwise any land necessary for
3 flowage, and also for its drains, reservoirs, gates, hydrants,
4 wells, buildings and other necessary structures, and may
5 locate, erect, lay and maintain aqueducts, hydrants, lines of
6 pipes, and other necessary structures or fixtures in, over
7 and through such land for such location, construction and
8 erection.

And in general to do any act necessary, convenient or
10 proper for carrying out any of the said purposes of incorpo-
11 ration. It may enter upon such land to make surveys and
12 locations, and shall file in the registry of deeds in the coun-
13 ties of Franklin and Kennebec plans of such locations and

14 lands, showing the property taken, and within thirty days
15 thereafter publish notices of such filing in some newspaper
16 in each of said counties, such publication to be continued
17 three weeks successively. Not more than two rods in width
18 of land shall be occupied by more than one line of pipe or
19 aqueduct.

Sect. 7. Should the said corporation and the owner of
2 such land be unable to agree upon the damage to be paid for
3 such location, taking, holding, flowing and construction, the
4 land owner of said corporation may, within twelve months
5 after said filing of plans of location, apply to the commis-
6 sioners of said county of Franklin, and cause such dam-
7 ages to be assessed in the same manner and under the same
8 conditions as are prescribed by law in the case of damages
9 by the laying out of highways, as far as such law is con-
10 sistent with the provisions of this act. If said corporation
11 shall fail to pay such land owner, or deposit for his use with
12 the clerk of the county commissioners aforesaid such sum
13 as may be finally awarded as damages, with costs when re-
14 covered by him, within ninety days after notice of final judg-
15 ment shall have been received by the clerk of courts of said
16 county, the said location shall be thereby invalid, and the
17 said corporation shall forfeit all rights under the same as
18 against such land owner. In case the said corporation shall
19 begin to occupy such land before the rendition of final judg-
20 ment the land owner may require the said corporation to file
21 its bond to him with the said county commissioners, in such
22 sum and with such sureties as they may approve, conditioned

23 for said judgment or deposits. No action shall be brought
24 against the said corporation for such taking, holding and
25 occupation until after such failure to pay or deposit as afore-
26 said.

Sect. 8. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have
3 his damage assessed in the same manner provided in the
4 preceding section, and payment therefor shall be made in the
5 same manner and with the same effect. No action shall be
6 brought for the same until after expiration of the time of
7 payment and a tender by said company may be made with
8 the same effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to make
2 contracts with the United States, the State of Maine, the
3 county of Franklin, the town of New Sharon and with any
4 village corporation in the said town and with the inhabitants
5 thereof, or any corporation doing business therein or water
6 district, for the supply of water for any and all the purposes
7 contemplated in this act; and the said town by its proper of-
8 ficers, is hereby authorized to enter into any contract with
9 the said corporation for a supply of water for any and all
10 purposes mentioned in this act, and in consideration thereof
11 to relieve said corporation from such public burdens by
12 abatement or otherwise as said town, village corporation,
13 water district may agree upon, and said contract shall be
14 legal and binding upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously corrupt

2 the water supply of the said corporation, whether frozen or
3 not, or in any way render such water impure, or whoever
4 shall wilfully or maliciously injure any of the works of the
5 said corporation, shall be punished by a fine not exceeding
6 one thousand dollars, or by imprisonment not exceeding two
7 years, and shall be liable to the said corporation for three
8 times the actual damage, to be recovered in any proper ac-
9 tion.

Sect. 11. The capital stock of the said corporation shall
2 be twenty-five thousand dollars, which may be increased to
3 any sum not exceeding fifty thousand dollars, by a majority
4 vote of the stockholders of the said corporation; and the
5 stock shall be divided into shares of fifty dollars each.

Sect. 12. The said corporation, for all its said purposes,
2 may hold real and personal estate necessary and convenient
3 therefor.

Sect. 13. 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. 14. The first meeting of the corporation shall be
2 called by a written notice therefor, signed by any two of the
3 named incorporators, served upon each named incorporator
4 by giving him the same in hand, or by leaving the same at
5 his last and usual place of abode, at least seven days before

6 the time of meeting, or by publishing said notice in some
7 newspaper published in the county of Franklin.

Sect. 15. Said town of New Sharon or any water district
2 including said town or a portion of said town, may at any
3 time after the expiration of five years from the opening for
4 use and service of a system of water works constructed by
5 said corporation and after a vote in a legal town meeting to
6 that effect has been passed, shall have the right to purchase,
7 and by this act said corporation is required to sell to said
8 town or any water district including said town or a portion
9 of said town, said system of water works including every-
10 thing appurtenant thereto, and if said town or said water
11 district and said corporation cannot agree upon the terms
12 and price, then such terms and such price shall be determined
13 and fixed by the chief justice of the supreme court of the
14 State of Maine, after due hearing of the parties interested,
15 and from the decision of said chief justice there shall be no
16 appeal.