

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 108

House of Representatives, Jan. 31, 1913.

*Reported by Mr. Peaks from Committee on Legal Affairs and
ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Van Buren Sewerage Company.

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

Section 1. Levite V. Thibodeau, Joseph Martin, Emile
2 Lebrun, Joseph A. Pelletier, J. Adolphe Hebert, Louis N.
3 Albert, Joseph E. Martin, Fred J. Parent, Achille Dumais,
4 Fred S. Cyr, Joseph A. Dumais and Joseph L. Violette,
5 with their associates, successors and assigns are hereby made
6 a corporation under the name of the Van Buren Sewerage
7 Company for the purpose of providing a system of sewers
8 and drainage for the town and village of Van Buren for
9 the comfort, convenience and health of the people of Van
10 Buren, with all the rights, powers and privileges and im-
11 munities incident or properly belonging to such corpora-
12 tions.

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
2 and 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 purposes of this act.

Sect. 4. Said corporation may construct conduits, in man-
2 ner aforesaid in and through said village of Van Buren to
3 and into the Saint John river and its tributaries, the dis-
4 charge therefrom to be at such point in said river and trib-
5 utaries as is most convenient, and convey through the same
6 sewerage, surface water and the natural flowage of existing
7 water courses and secure and maintain basins, reservoirs
8 and outlets; may construct and maintain flush tanks, man-
9 holes, lampholes and all usual appliances, public and pri-
10 vate; may build and maintain pumping stations and build-
11 ings, constructions and appliances for collecting, holding,

12 distributing and disposing of sewerage matter, may estab-
13 lish regulations for the use of sewers and fix and collect
14 the prices to be paid for entering the same and also the an-
15 nual rentals for using thereof, and said corporation is here-
16 by authorized for the purposes aforesaid, having first ob-
17 tained the permission of the municipal officers of said town
18 and under such restrictions and regulations as said officers
19 may prescribe, to lay down through the streets, highways and
20 lands of said town, and take up, replace and repair all such
21 conduits, pipes and fixtures as may be necessary for the ob-
22 jects of its incorporation; to carry and lay conduits under
23 any watercourse way, public or private, or railroad in the
24 manner prescribed by law, and to cross any drain or sewer
25 or if necessary to change its direction in such manner as not
26 to obstruct the use thereof, and to enter and dig up any such
27 street, road or way, for the purpose of laying pipes beneath
28 the surface thereof, for placing manholes or other fixtures
29 and for maintaining and repairing the same and in general
30 to do any other act or things necessary, convenient and prop-
31 er to be done for the purpose of this act.

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

Sect. 6. Such corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land or easement therein, under the provisions of this act; and if any person sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages by the location of railroad roads.

Sect. 7. Said corporation, at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon its lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said company, and payment of the prices and rentals established therefor.

Sect. 8. Any person who shall place or leave any offensive or injurious matter or materials on the conduits, catch basins, or receptacles of said corporation, contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, lamphole, outlet, engine, pump or other property held, owned or used by said corporation for the purposes of this act, shall pay twice the amount of damages to said corporation to be recovered in any proper action; and every such person, on conviction of 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 in-
2 jured by any fault of said corporation or its agent, 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 Van Buren
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. The affairs of said corporation shall be con-
2 trolled by a board of directors consisting of not less than
3 five members, who shall be citizens of the town of Van
4 Buren, and elected annually by a vote of the stockholders
5 of the corporation, and such board of directors shall choose
6 such other officers as may, from time to time, be required
7 by the by-laws of the corporation.

Sect. 11. Should the town of Van Buren, at a meeting
2 duly called for the purpose, vote to take over the works of
3 said company, and at any time subsequent to the first day
4 of January, in the year of our Lord nineteen hundred eight-
5 een, inform the said company of its intention to take over
6 the said works, then and in that case, the said company will,
7 within sixty days after receipt of notice of such intention of

8 the said town and upon the tender of the fair market value,
9 at the time of the said works including all the rights and
10 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 and make, execute, acknowledge and de-
13 liver such deeds, conveyances, transfers or other instru-
14 ments as may be necessary to secure to the town all and
15 every right, title and interest whether in law or in equity
16 which the said company may have in said sewer works and
17 system.

Sect. 12. Should said sewer works and system be taken
2 over by the town as aforesaid, 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. 13. The affairs of said corporation shall be controlled
2 by a board of directors consisting of not less than five mem-
3 bers, who shall be citizens of the town of Van Buren, and

4 elected annually by a vote of the stockholders of the cor-
5 poration; and the board of directors shall choose such offi-
6 cers as may from time to time be required by the by-laws of
7 the corporation.

Sect. 14. Any two of the persons mentioned in the first
2 section of this act, may call the first meeting of said corpora-
3 tion, by publishing notice therefor two weeks in a newspaper
4 printed in the County of Aroostook.