

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 349

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*House of Representatives, Feb. 27, 1913.*

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

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to incorporate the Lincoln Sewerage Company.

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

Section 1. Artemus Weatherbee, Fred V. Buzzell and  
2 George W. Thombs, all of Lincoln, in the county of Penob-  
3 scot, their associates, successors and assigns are hereby made  
4 a corporation under the name of the Lincoln Sewerage Com-  
5 pany for the purpose of providing a system of sewers and  
6 drainage for the town of Lincoln or any part of said town  
7 for the comfort, convenience and health of the people of  
8 Lincoln, with all the rights, powers, privileges and immuni-  
9 ties incident 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, and may issue certificates  
5 of stock to an amount not exceeding twenty-five thousand  
6 dollars and may issue and sell bonds to the amount of  
7 twenty-five thousand dollars secured by mortgage of its  
8 works and 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 Lincoln to and  
3 into the Penobscot river or any tributary thereof in said  
4 town, the discharge therefrom to be at such points as is  
5 most convenient, except that the discharge, if made into any  
6 tributary of said river, shall be below the lowest improved  
7 water power, and convey through the same sewerage, sur-  
8 face water and the natural flowage of existing water courses  
9 and secure and maintain basins, reservoirs and outlets; may  
10 construct and maintain flush tanks, manholes, lampholes and  
11 all usual appliances, public and private; may build and main-  
12 tain pumping stations and buildings, constructions and ap-  
13 pliances for collecting, holding and distributing and dispos-

14 ing of sewerage matter, may establish regulations for the  
15 use of sewers and fix and collect the prices to be paid for  
16 entering the same and also the annual rentals for use there-  
17 of, and said corporation is hereby authorized for the pur-  
18 poses aforesaid, having first obtained the permission of the  
19 municipal officers of said town and under such restrictions  
20 and regulations as such officers may prescribe, to lay down  
21 through the streets, highways and lands of said town, and  
22 take up, replace, and repair, all such conduits, pipes and fix-  
23 tures as may be necessary for the objects of its corporation ;  
24 to carry and lay conduits under any water-course, way, pub-  
25 lic or private, or railroad in the manner prescribed by law,  
26 and to cross any drain or sewer or if necessary to change  
27 its direction in such manner as not to obstruct the use there-  
28 of, and to enter and dig up any such street, road or way,  
29 for the purpose of laying pipes beneath the surface thereof,  
30 for placing manholes or other fixtures and for maintaining  
31 and repairing the same and in general to do any other acts  
32 or things necessary, convenient and proper to be done for  
33 the purpose of this act.

Sect. 5. Said corporation shall file in the registry of deeds  
2 for Penobscot county, 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. Said 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 locations of highways.

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 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, lamp pole, 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

11 punished by fine not exceeding two hundred dollars or by  
12 imprisonment 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  
3 by any defect in the highways occasioned by the construc-  
4 tion of the works of said company, during such construc-  
5 tion or after same have been completed, or while the same  
6 shall be undergoing repairs or extensions are being made;  
7 and said corporation shall also be liable to the town of  
8 Lincoln for any and all cost, damage and expense which  
9 said town may suffer or be put to by reason of the default,  
10 neglect, negligence or carelessness of said corporation or  
11 any of its officers, servants or agents.

Sect. 10. Should the town of Lincoln 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 twenty,  
5 inform the said company of its intention to take over the  
6 said works, then and in that case the said company will,  
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 of the said company,  
10 which said value shall not be less than the actual cost there-  
11 of with interest, convey and make over to the said town  
12 the said sewer works and system in their entirety as they  
13 then exist and make, execute, acknowledge and deliver such  
14 deeds, conveyances, transfers or other instruments as may

15 be necessary to secure to the town all and every right, title  
16 and interest whether in law or in equity which the said  
17 company may have in said sewer works and system.

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

Sect. 12. Said town of Lincoln is hereby authorized to  
2 contract with said corporation by its municipal officers or  
3 other agent thereunto duly authorized by vote of said town  
4 for the sewerage of its buildings, and the sewerage and  
5 drainage of the surface water from its streets and ways,  
6 upon such terms and for such periods as may be mutually  
7 agreed upon.

Sect. 13. The affairs of said corporation shall be con-  
2 trolled by a board of directors, consisting of not less than  
3 three members, two of whom shall be citizens of the town

4 of Lincoln, and elected annually by vote of the stock holders  
5 of the corporation; and the 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. 14. Any one of the persons mentioned in the first  
2 section of this act, may call the first meeting of said cor-  
3 poration by giving seven days' written notice to each of the  
4 others.