

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 520

House of Representatives, March 14, 1913.

*Reported by Mr. Sanborn from Committee on Judiciary, 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 Bluehill Water Company.

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

Section 1. John F. Knowlton, Edward E. Chase, Forrest
2 B. Snow, their associates, successors and assigns, are hereby
3 made a corporation by the name of the Bluehill Water Com-
4 pany, for the purpose of supplying the town of Bluehill, in
5 the county of Hancock, and the inhabitants of said town,
6 with pure water for domestic, sanitary, municipal and public
7 purposes, including extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 ponds, streams, or other water sources, in said Bluehill, and

4 may locate, construct and maintain cribs, reservoirs, aque-
5 ducts, gates, pipes, hydrants and all other necessary struc-
6 tures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, through, along and across the
3 highways, ways, streets, railroads and bridges in said town,
4 and to take up, replace and repair all such sluices, aqueducts,
5 pipes, hydrants and structures as may be necessary for the
6 purposes of its incorporation, so as not to unreasonably ob-
7 struct the same, under such reasonable restrictions and con-
8 ditions as the selectmen of said town may impose. It shall
9 be responsible for all damages to persons and property occa-
10 sioned by the use of such highways, ways and streets, and
11 further shall be liable to pay to said town all sums recov-
12 ered against said town for damages for obstruction caused
13 by said company, and for all expenses, including reasonable
14 counsel fees incurred in defending such suits, with interest
15 on the same, provided said company shall have notice of
16 such suits and opportunity to defend the same.

Sect. 4. Said company shall have power to cross any water
2 course, private and public sewer, or to change the direction
3 thereof when necessary for the purposes of its incorporation,
4 but in such manner as not to obstruct or impair the use
5 thereof, and it shall be liable for any injury caused thereby.
6 Whenever said company shall lay down any fixtures in any
7 highway, way or street, or make any alterations or repairs
8 upon its works in any highway, way or street, it shall cause

9 the same to be done with as little obstruction to public travel
10 as may be practicable, and shall, at its own expense, without
11 unnecessary delay, cause the earth and pavements there re-
12 moved by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters as
2 limited in section two, and also any lands necessary for res-
3 ervoirs, and other necessary structures, and may locate, lay
4 and maintain aqueducts, pipes, hydrants and other necessary
5 structures and fixtures in, over and through any lands for
6 its said purposes, and excavate in and through such lands
7 for such location, construction and maintenance. It may
8 enter upon such lands to make surveys and location, and
9 shall file in the registry of deeds for said county of Hancock,
10 plans of such location and lands, showing the property taken,
11 and within thirty days thereafter, publish notice of such filing
12 in some newspaper in said county, such publication to be
13 continued three weeks successively.

Sect. 6. Should said company and the owner of such lands
2 so taken be unable to agree upon the damages to be paid for
3 such location, taking, holding and construction, the dam-
4 ages shall be assessed in accordance with the laws applicable
5 to the assessment of damages for ways taken by railroads,
6 so far as such law is consistent with the provisions of this
7 act. If said company shall fail to pay such land owner or
8 deposit for his use with the clerk of the county commis-
9 sioners aforesaid, such sum as may be finally awarded as
10 damages, with costs when recovered by him, within ninety

11 days after notice of final judgment shall have been received
12 by the clerk of courts of said county, the said location shall
13 be hereby invalid, and said company forfeit all rights under
14 the same as against such land owner. Said company may
15 make a tender to any land owner damaged under the pro-
16 visions of this act, and if such land owner recovers more
17 damages than were tendered by said company, he shall re-
18 cover costs, otherwise said company shall recover costs. In
19 case said company shall begin to occupy such lands before
20 the rendition of final judgment, the land owner may require
21 said company to file its bond to him with said county com-
22 missioners, in such sum and with such sureties as they ap-
23 prove, conditioned for said payment or deposit. No action
24 shall be brought against said company for such taking, hold-
25 ing and occupation, until after such failure to pay or deposit
26 as aforesaid. Failure to apply for damages within three
27 years by the land owner, shall be held to be a waiver of the
28 same.

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

Sect. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations, and
3 inhabitants of said town of Bluehill or any village corpora-
4 tion therein for the purpose of supplying water as contem-
5 plated by this act; and said town of Bluehill by its select-
6 men, or any such village corporation by its assessors, is
7 hereby authorized to enter into contract with said company
8 for a supply of water for public uses, on such terms and for
9 such time as the parties may agree, which when made, shall
10 be legal and binding on all parties thereto, and said town
11 of Bluehill for this purpose may raise money in the same
12 manner as for other town charges.

Sect. 9. Said company for all its said purposes, may hold
2 real and personal estate necessary and convenient therefor.

Sect. 10. The capital stock of said company shall be twen-
2 ty-five thousand dollars, which may be from time to time
3 increased by vote of said company not to exceed fifty thou-
4 sand dollars, and shall be divided into shares of ten dollars
5 each.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works and for other purposes of its incor-
3 poration of any and all kinds upon such rates and time as
4 it may deem expedient, to an amount not exceeding the
5 amount of the capital stock subscribed and actually paid for,
6 and secure the same by mortgage of its franchise and prop-
7 erty.

Sect. 12. The first meeting of said company may be called
2 by written notice thereof signed by any of the corporators
3 herein named, served upon each of the other corporators by
4 giving him the same in hand, or by leaving the same at his
5 last usual place of abode, or by mailing the same to him at
6 his last known residence or place of business, or by publish-
7 ing the same in some newspaper in the county of Hancock
8 at least seven days before the time of such meeting.

Sect. 13. Said town of Bluehill, or any village corpora-
2 tion within the limits of said town of Bluehill, at any time
3 after the expiration of five years from the opening for use
4 and service of a system of water works constructed by said
5 company and after a vote in a legal meeting to that effect
6 has been passed, shall have the right to purchase, and by
7 this act said company is required to sell to said town, or
8 said village corporation, said system of water works, to-
9 gether with the franchises of this company relating thereto,
10 for such price as may be agreed upon by said town, or said
11 village corporation, and said company. And should said
12 parties be unable to agree upon the amount the same shall
13 be determined by a commission of three competent and dis-
14 interested men, one of whom shall be selected by said com-
15 pany, one by said town of Bluehill, or by said village cor-
16 poration, and the third by the two so selected if they can
17 agree, if not, then by the chief justice of the supreme judi-
18 cial court of Maine. The award of said commissioners, not
19 less than cost, shall be binding upon said company and said

20 town, or village corporation, and said town or village cor-
21 poration shall pay the amount of said award for said system
22 of water works and franchises within ninety days from the
23 date when such award shall be rendered. The costs of said
24 commission shall be borne equally by the said company and
25 said town or village corporation.