

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 81

In Senate, Jan. 23, 1913.

Came from the House referred to the Committee on Judiciary and on motion by Senator Hersey of Aroostook, laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the Washburn Water Company.

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

Section 1. Manning S. Gibson, Delbert M. Story, Herbert
2 S. Willey, John L. Woodman, Thomas E. Plissey, Clifford
3 Jameison, and Abram Clark, their associates, successors
4 and assigns, are hereby made a corporation by the name of
5 the Washburn Water Company for the purpose of convey-
6 ing to and supplying the town of Washburn, in the county
7 of Aroostook, and the inhabitants thereof, with pure water
8 for domestic, sanitary, manufacturing and municipal pur-
9 poses.

Sect. 2. Said corporation for said purposes may hold all

2 such real estate and personal property as may be necessary
3 or convenient therefor.

Sect. 3. Said corporation is hereby authorized, for the
2 purposes aforesaid, to take, detain and use the waters of
3 any ponds, streams or springs in said town of Washburn,
4 and is also authorized to dig, drive, drill and maintain wells,
5 to erect and maintain dams, stand pipes and reservoirs, and
6 lay down and maintain pipes and aqueducts necessary for
7 the proper accumulating, conducting, discharging, dis-
8 tributing and disposing of water; and said corporation may
9 take and hold by purchase or condemnation any lands or
10 real estate necessary therefor, and may excavate through
11 any lands necessary for such purposes.

Sect. 4. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person by the taking
3 of any land or other property, or by flowing or by exca-
4 vating through the same, the same to be taken and the
5 damages assessed therefor in the manner provided for tak-
6 ing lands for steam railroads, so far as the same is appli-
7 cable.

Sect. 5. The capital stock of said corporation shall be
2 fifty thousand dollars, which may be from time to time in-
3 creased by vote of said corporation not to exceed one hun-
4 dred thousand dollars, and shall be divided into shares of
5 one hundred dollars each.

Sect. 6. Said corporation is hereby authorized to lay in
2 and through the streets and ways in said town of Wash-

3 burn, and to take up, replace and repair all such pipes,
4 aqueducts and fixtures as may be necessary for the pur-
5 poses of its incorporation, the same to be done under such
6 reasonable restrictions as the selectmen of said town may
7 impose. Said company is hereby authorized to lay, con-
8 struct and maintain its pipes across the location of any
9 railroad, and all work within the limits of the railroad loca-
10 tion shall be done under the supervision and to the reason-
11 able satisfaction of the chief engineer of the railroad com-
12 pany.

Sect. 7. Said corporation is hereby authorized to make
2 contracts with corporations and inhabitants of said town
3 and with said town, for the purpose of supplying water as
4 contemplated in this act; and the municipal officers of said
5 town are hereby authorized to enter into contracts for a
6 term of years with said company for the supply of water
7 for municipal and fire purposes and for such exemption
8 from public burden as they and said company may agree,
9 which when made shall be legal and binding upon all parties
10 thereto.

Sec. 8. Said corporation shall have the right to cross any
2 river, stream or water course, public or private sewer, or
3 to change the direction thereof when necessary but in such
4 manner as not to obstruct or impair the use thereof and it
5 shall be liable for any injury caused thereby. Whenever
6 the company shall lay down any pipes in any streets, or
7 make any alterations or repairs in any highway, it shall

8 cause the same to be done with as little obstruction to public
9 travel as may be practicable and without unnecessary delay
10 restore said highway to its original condition.

Sect. 9. Any person who shall wilfully injure any of the
2 property of said corporation, or shall corrupt the waters
3 which are the source of supply furnished by said corpora-
4 tion, or any tributaries thereof, in any manner whatever,
5 or render them impure, whether the same be frozen or not;
6 or shall wilfully destroy or injure any dam, reservoir, pipe,
7 hydrant or other thing used in transmitting and supplying
8 water, shall be punished by a fine not exceeding one thou-
9 sand dollars, or by imprisonment not more than two years,
10 and shall be liable to said corporation for three times the
11 actual damage, to be recovered in an action of debt.

Sect. 10. Said corporation may from time to time issue
2 bonds for the construction of its works, upon such rates
3 and time as it may deem expedient, and secure the same by
4 mortgages on its franchises and property then owned or
5 thereafter by it to be acquired.

Sect. 11. The first meeting of said corporation may be
2 called by a written notice thereof signed by any of the cor-
3 porators herein named, served upon each corporator by
4 giving the same to him in hand, or by mailing to him post-
5 age prepaid, seven days at least before the date of said
6 meeting.

Sect. 12. At any time after ten years from the date of
2 the approval of this act the town of Washburn, or any vil-

3 lage corporation within the limits of said town of Wash-
4 burn, if its inhabitants shall so vote, by a two-thirds vote,
5 at a legal meeting called therefor, shall have the right to
6 purchase the system of water works constructed by said
7 company in said town for supplying said town and the vil-
8 lage of Washburn and the inhabitants thereof, together
9 with the franchises of this company relating thereto, at a
10 price to be agreed upon between said company and said
11 town or village corporation; and if such price cannot be
12 agreed upon, then at a price, which shall be determined by
13 a commission of three competent and disinterested men,
14 one of whom shall be selected by said company, one by said
15 town of Washburn, or by said village corporation, and the
16 third by the two so selected if they can agree, if not, then
17 by the chief justice of the supreme judicial court of Maine.
18 The award of said commissioners, not less than cost, shall
19 be binding upon said company and said town, or village cor-
20 poration; and said town or village corporation shall pay
21 the amount of said award for said system of water works
22 and franchises within ninety days from the date when such
23 award shall be rendered. The costs of said commission
24 shall be borne equally by the said company and said town
25 or village corporation.