

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 151

In Senate, Jan. 31, 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 create the Smyrna Water Company.

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

Section 1. C. W. Sherman, A. E. Estabrook, A. M. Leav-
2 itt, Lyndon MacGown, Pearl E. Tarbell and Melvin L.
3 Benn, their associates, successors and assigns, are hereby
4 made a corporation by the name of the Smyrna Water Com-
5 pany, for the purpose of conveying to and supplying the
6 town of Smyrna in the county of Aroostook and the inhab-
7 itants thereof, with pure water for domestic, sanitary, man-
8 ufacturing and municipal purposes.

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 pond, lake, stream or springs in said town of Smyrna,
4 and is also authorized to erect and maintain dams, stand-
5 pipes and reservoirs, and lay down and maintain pipes and
6 aqueducts necessary for the proper accumulating, conduct-
7 ing, discharging, distributing and disposing of water; and
8 said corporation may take and hold by purchase or con-
9 demnation any lands or real estate necessary therefor, and
10 may excavate through any lands necessary for said pur-
11 poses.

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 dam-
5 ages assessed therefor in the manner provided for taking
6 lands for steam railroads, so far as the same is applicable.

Sect. 5. The capital stock of said corporation shall be
2 forty thousand dollars, which may be from time to time
3 increased by vote of said corporation not to exceed one
4 hundred thousand dollars, and shall be divided into shares
5 of 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 Smyrna,
3 and to take up, replace and repair all such pipes, aqueducts

4 and fixtures as may be necessary for the purposes of its
5 incorporation, the same to be done under such reasonable
6 restrictions as the selectmen of said town may impose. Said
7 company is hereby authorized to lay, construct and main-
8 tain its pipes across the location of any railroad, and all
9 work within the limits of the railroad location shall be done
10 under the supervision and to the reasonable satisfaction of
11 the chief engineer of the railroad company.

Sect. 7. Said corporation is hereby authorized to make
2 contracts with corporations and inhabitants of said town
3 and with said town or any village corporation therein for
4 the purpose of supplying water as contemplated in this act;
5 and the municipal officers of said town or the assessors of
6 any village corporation therein or any duly authorized agent
7 or agents thereof are hereby authorized to enter into con-
8 tracts for a term of years with said company for the supply
9 of water for municipal and fire purposes and for such ex-
10 emption from public burden as they and said company may
11 agree, which when made shall be legal and binding.

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

9 lic travel as may be practicable and without unnecessary
10 delay 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 corpo-
4 ration, 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 any dams, reservoir, pipe, hydrant,
7 or other thing used in transmitting or supplying water, shall
8 be punished by a fine not exceeding one thousand dollars,
9 or by imprisonment not exceeding two years and shall be
10 liable to said corporation for three times the actual damage,
11 to be recovered in an action of debt.

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

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 day of said meet-
6 ing.

Sect. 12. At any time after five years after the date of
2 the approval of this act the town of Smyrna or any village
3 corporation therein, if its inhabitants shall so vote, by a

4 majority vote, at a legal meeting called therefor shall have
5 the right to purchase the system of water works constructed
6 by said company in said town as herein authorized, together
7 with the franchises of said company relating thereto at a
8 price to be agreed upon between said company and said
9 town or village corporation; and if such price cannot be
10 agreed upon then at a price which shall be determined by
11 a commission of three competent and disinterested men,
12 one of whom shall be selected by said company, one by said
13 town of Smyrna or by said village corporation, and the
14 third by the two so selected if they can agree, if not, then
15 by the chief justice of the supreme judicial court of Maine.
16 The award of said commissioners, not less than cost, and
17 interest thereon, shall be binding upon said company and
18 said town or village corporation, and said town or village
19 corporation shall pay the amount of said award for said
20 system of water works and franchises within ninety days
21 from the date when such award shall be rendered. The cost
22 of said commission shall be borne equally by the said com-
23 pany and said town or village corporation.