

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE

NO. 18

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*House of Representatives, Jan. 27, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Legal Affairs.*

*Committee on Reference.*

*Presented by Mr. Hobbs of South Berwick.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to Incorporate the South Berwick Sewer Company.

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

Section 1. Charles N. Harvey, Thomas Booth and Denis  
2 J. O'Brien, all of South Berwick, in York County, their as-  
3 sociates, successors, and assigns are hereby made a corpo-  
4 ration under the name of The South Berwick Sewer Com-  
5 pany for the purpose of providing a system of sewers and  
6 drainage for the town of South Berwick or any part of said  
7 town for the comfort, convenience and health of the people  
8 of South Berwick, with all the rights, powers, privileges  
9 and immunities, 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 twenty thousand dollars,  
4 may sell and convey the same, and may issue certificates of  
5 stock to an amount not exceeding ten thousand dollars and  
6 may issue and sell bonds to the amount of ten thousand dol-  
7 lars, secured by mortgage of its works and franchise, to aid  
8 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 ease-  
3 ment therein, necessary for forming basins, reservoirs and  
4 outlets, for erecting buildings, for pumping works and for  
5 laying and maintaining conduits for carrying and collecting,  
6 discharging and disposing of sewerage matter and waters,  
7 and for any other objects necessary, convenient and proper  
8 for the purpose of this act.

Sect. 4. Said corporation may construct conduits in man-  
2 ner aforesaid in and through said village of South Ber-  
3 wick to and into the Salmon Falls River and its tributaries,  
4 the discharge therefrom to be at such point in said river and  
5 tributaries as is most convenient, and convey through the  
6 same, sewerage, surface water and the natural flowage of  
7 existing water courses and secure and maintain basins, res-  
8 ervoirs and outlets; may construct and maintain flush tanks,  
9 manholes, lampholes and all usual appliances, public and  
10 private; 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 the  
14 prices to be paid for entering the same and also the annual  
15 rentals for using thereof, and said corporation is hereby  
16 authorized for the purposes aforesaid, having first obtained  
17 the permission of the municipal officers of said town and  
18 under such restrictions and regulations as said officers may  
19 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, in the manner pre-  
24 scribed by law, and to cross any drain or sewer or if neces-  
25 sary to change its direction in such manner as not to ob-  
26 struct 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  
31 proper to be done for the purpose of this act.

Sect. 5. In case of any crossing of a railroad, unless con-  
2 sent is given by the Company, owning or operating such  
3 railroad as to place, manner and condition of the crossing  
4 within thirty days after such consent is requested by said  
5 The South Berwick Sewer Company, the Public Utilities

6 Commission shall determine the place, manner and condition  
7 of such crossing and all work within the limits of said rail-  
8 road location shall be done under the supervision and to the  
9 satisfaction of said railroad company, but at the expense of  
10 the said The South Berwick Sewer Company.

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

Sect. 7. Said corporation shall be liable to pay all dam-  
2 ages that shall be sustained by any person in his property,  
3 by the taking of any land or easement therein, under the  
4 provisions of this act; and if any person sustaining damages  
5 as aforesaid and said corporation shall not mutually agree  
6 upon the sum to be paid therefor, such person may cause  
7 his damages to be ascertained in the same manner and under  
8 the same conditions and limitations as are by law prescribed  
9 in the case of damages by the locations of highways.

Sect. 8. Said corporation, at all times, after it shall com-  
2 mence receiving pay for the facilities supplied by it, shall  
3 be bound to permit the owners of all premises abutting upon  
4 lines of pipes and conduits, to enter the same with all proper  
5 sewerage upon conformity to the rules and regulations of

6 said company, and payment of the prices and rentals estab-  
7 lished therefor.

Sect. 9. Any person, who shall place or leave any offen-  
2 sive or injurious matter or materials on the conduits, catch  
3 basins, or receptacles of said corporation, contrary to its reg-  
4 ulations, or shall wilfully injure any conduit, pipe, reservoir,  
5 flush tank, catch basin, manhole, lamphole, outlet, engine  
6 pump or other property held, owned or used by said corpo-  
7 ration for the purposes of this act, shall pay twice the  
8 amount of damages to said corporation, to be recovered in  
9 any proper action; and every such person, on conviction of  
10 either of said acts of wilful injury aforesaid, shall be pun-  
11 ished by fine not exceeding two hundred dollars or by im-  
12 prisonment not exceeding one year.

Sect. 10. 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 construction  
5 or after same have been completed, or while the same shall  
6 be undergoing repairs, or extensions are being made; and  
7 said corporation shall also be liable to the town of South  
8 Berwick 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. 11. Should the town of South Berwick at any time  
2 at a meeting duly called for the purpose, vote to take over

3 the works of said company, and at any time inform the  
4 said company of its intention to take over the said works,  
5 then and in that case the said company will, within sixty  
6 days after receipt of notice of such intention of the said  
7 town, and upon the tender of the fair market value at the  
8 time, of the said works of the said company, which said  
9 value shall not be less than the actual cost thereof with inter-  
10 est convey and made over to the said town the said sewer  
11 works and system in their entirety, as they then exist and  
12 made, execute, acknowledge and deliver such deeds, con-  
13 veyances, transfers or other instruments as may be necessary  
14 to secure to the town all and every right, title and interest  
15 whether in law or in equity, which the said company may  
16 have in said sewer works and 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, 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 the  
10 company, one who shall not be a lawyer to be chosen by the  
11 municipal officers of the town, and another who shall be  
12 learned in the law, to be chosen by the chief justice of the

13 supreme judicial court, whose finding in the matter shall  
14 be final and conclusive between the parties.

Sect. 13. Said town of South Berwick is hereby author-  
2 ized to contract with said corporation by its municipal offi-  
3 cers or other agent thereunto duly authorized by vote of  
4 said town for the sewerage of its buildings, and the sewer-  
5 age and drainage of the surface water from its streets and  
6 ways, upon such terms and for such periods as may be mu-  
7 tually agreed upon.

Sect. 14. 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 South Berwick, elected annually by vote of the stockhold-  
5 ers of the corporation; and the board of directors shall  
6 choose such other officers as may, from time to time, be re-  
7 quired by the by-laws of the corporation.

Sect. 15. 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.