

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 742

House of Representatives, March 13, 1915.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the South Berwick Sewer Company.

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
3 associates, successors, and assigns are hereby made a cor-
4 poration 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 dol-
4 lars, may sell and convey the same, and may issue certifi-
5 cates of stock to an amount not exceeding ten thousand
6 dollars and may issue and sell bonds to the amount of ten
7 thousand dollars, secured by mortgage of its works and
8 franchise, to aid in the construction of its works.

Sect. 3. Said corporation is hereby authorized to take
2 and hold by purchase or otherwise any land or real estate
3 or easement therein, necessary for forming basins, reser-
4 voirs and outlets, for erecting buildings, for pumping works
5 and for laying and maintaining conduits for carrying and
6 collecting, discharging and disposing of sewerage matter
7 and waters, and for any other objects necessary, convenient
8 and proper 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 Berwick
3 to and into the Salmon Falls River and its tributaries, the
4 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
11 buildings, constructions and appliances for collecting, hold-
12 ing, distributing and disposing of sewerage matter, may es-
13 tablish regulations for the use of sewers and fix and collect

14 the prices to be paid for entering the same and also the
15 annual rentals for using thereof, and said corporation is
16 hereby authorized for the purposes aforesaid, having first
17 obtained the permission of the municipal officers of said
18 town and under such restrictions and regulations as said
19 officers may prescribe, to lay down through the streets,
20 highways and lands of said town, and take up, replace and
21 repair all such conduits, pipes and fixtures as may be neces-
22 sary for the objects of its incorporation; to carry and lay
23 conduits under any watercourse way, public or private, in
24 the manner prescribed by law, and to cross any drain or
25 sewer or if necessary to change its direction in such man-
26 ner as not to obstruct the use thereof, and to enter and
27 dig up any such street, road or way, for the purpose of
28 laying pipes beneath the surface thereof, for placing man-
29 holes or other fixtures and for maintaining and repairing the
30 same and in general to do any other act or things neces-
31 sary, convenient and proper to be done for the purpose of
32 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 con-
7 dition of such crossing and all work within the limits of
8 said railroad location shall be done under the supervision

9 and to the satisfaction of said railroad company, but at
10 the expense of the said The South Berwick Sewer Com-
11 pany.

Sect. 6. Said corporation shall file in the registry of
2 deeds for York 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
5 purposes for which it is taken, to be recorded by the register
6 and such land or easement shall be deemed to be taken
7 upon the filing 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 un-
8 der the same conditions and limitations as are by law pre-
9 scribed in the case of damages by the locations of high-
10 ways.

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
4 upon lines of pipes and conduits, to enter the same with all
5 proper sewerage upon conformity to the rules and regula-
6 tions of said company, and payment of the prices and rentals
7 established 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
4 regulations, or shall wilfully injure any conduit, pipe, reser-
5 voir, flush tank, catch basin, manhole, lamp hole, outlet, en-
6 gine pump or other property held, owned or used by said
7 corporation for the purposes of this act, shall pay twice the
8 amount of damages to said corporation, to be recovered
9 in any proper action; and every such person, on conviction
10 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. 10. Said corporation shall be liable to any person
2 injured by any fault of said corporation or its agents, or by
3 any defect in the highways ocasioned by the construction
4 of the works of said company, during such construction or
5 after same have been completed, or while the same shall be
6 undergoing repairs, or extensions are being made; and said
7 corporation shall also be liable to the town of South Berwick
8 for any and all cost, damage and expense, which said town
9 may suffer or be put to by reason of the default, neglect,
10 negligence or carelessness of said corporation or any of its
11 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 said
4 company of its intention to take over the said works, then

5 and in that case the said company will, within sixty days
6 after receipt of notice of such intention of the said town,
7 and upon the tender of the fair market value at the time,
8 of the said works of the said company, which said value shall
9 not be less than the actual cost thereof with interest convey
10 and made over to the said town the said sewer works and
11 system in their entirety, as they then exist and made, exe-
12 cute, acknowledge and deliver such deeds, conveyances,
13 transfers or other instruments as may be necessary to se-
14 cure 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
11 the 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 sewerage
5 and 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. 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 stock-
5 holders 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.