

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 288

House of Representatives, Feb. 13, 1917.

Referred to Committee on Public Utilities and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Ryder of Brotonville.

STATE OF MAINE

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

AN ACT to incorporate the Smyrna and Oakfield Water
Company.

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

Section 1. Elijah M. Chase, Ada G. Chase and Walter
2 Estes, their associates and successors, are hereby made a
3 corporation by the name of the Smyrna and Oakfield Water
4 Company, for the purpose of supplying the inhabitants of
5 the town of Smyrna, Oakfield and Merrill, with pure water
6 for domestic, sanitary, municipal and commercial purposes,
7 including the extinguishment of fire, and such corporation
8 shall possess all the powers, privileges and be subject to all

9 the liabilities and obligations imposed upon corporations by
10 law except as herein otherwise provided.

Sect. 2. For any of the purposes aforesaid, the said cor-
2 poration is hereby authorized to take and use water from
3 the springs of water in lands owned by Fritz Soule in the
4 town of Merrill, in the county of Aroostook, or from any
5 spring, pond, brook or other waters in the towns of Smyrna,
6 Oakfield and Merrill, in said county of Aroostook, to con-
7 duct and distribute the same into and through the said towns
8 of Smyrna, Oakfield and Merrill, and to survey for, locate,
9 construct and maintain all suitable and convenient dams,
10 reservoirs, sluices, hydrants, buildings, machinery, lines of
11 pipe, aqueducts and appurtenances.

Sect. 3. The said corporation is hereby authorized to lay,
2 construct, and maintain its lines of pipe in the towns of
3 Smyrna, Oakfield and Merrill and to build and maintain all
4 necessary structures therefor at such places as shall be nec-
5 essary for the purposes of said corporation, and to cross
6 any water course, private or public sewer, or to change the
7 direction thereof, when necessary for their said purposes of
8 incorporation, but in such manner as not to obstruct or im-
9 pair the use thereof, and the said corporation shall be liable
10 for any injury caused thereby.

Sect. 4. The said corporation is hereby authorized to lay,
2 construct and maintain in, under, through, along, over and
3 across the highways, ways, streets, railroads and bridges, in
4 said towns, and to take up, replace and to repair all such

5 aqueducts, sluices, pipes, hydrants and other structures and
6 fixtures as may be necessary and convenient for any of the
7 said purposes of the said corporation, under such reason-
8 able restrictions and conditions as the selectmen of the said
9 towns may impose, and the said corporation shall be re-
10 sponsible for all damages to said towns, and to all corpora-
11 tions, persons and property, occasioned by such use of the
12 highways, ways and streets. Whenever said corporation
13 shall lay down, or construct, any pipes or fixtures in any
14 highway, way or street, or make any alterations thereof, or
15 repairs upon its works, in any highway, way or street, it
16 shall cause the same to be done with as little obstruction to
17 public travel as may be practical, and shall at its own ex-
18 pense without any unnecessary delay, cause the earth and
19 pavement then removed by it, to be replaced in proper con-
20 dition.

Sect. 5. The said corporation is hereby authorized to take
2 and hold by purchase or otherwise, any land necessary for
3 flowage, and also for its dams, reservoirs, gates, hydrants,
4 buildings and other necessary structures, and may locate,
5 erect, lay and maintain aqueducts, hydrants, lines of pipe and
6 other necessary structures or fixtures, in, over and through
7 any land for the said purposes, and excavate in and through
8 such lands for said location, construction or erection, and
9 in general, do any act necessary, convenient or proper, for
10 carrying out any of the said purposes of incorporation. It
11 may enter such lands and make surveys and locations, and

12 shall file in the registry of deeds in the county of Aroostook,
13 plans of such locations and lands, showing the property
14 taken, within thirty days thereafter publish notices of such
15 filing in some newspaper, in said county, said publication to
16 be continued three weeks successively.

Sect. 6. Should the said corporation and the owner of
2 such land be unable to agree upon the damages to be paid
3 for such location, taken, holding, flowing and construction,
4 such damages shall be assessed in accordance with the law
5 applicable to the assessment of damages for ways taken by
6 railroads. If said corporation shall pay such land owner, or
7 deposit for his use with the clerk of the County Commis-
8 sioners aforesaid, such sum as may be finally awarded as
9 damages, with costs when recovered by him, within ninety
10 days after notice, or final judgment shall have been received
11 by the clerk of courts of said county, the said location shall
12 be thereby invalid, and the corporation shall forfeit all rights
13 under the same, as against such land owners. In case the
14 said corporation shall begin to occupy such land before
15 the rendition of final judgment the land owner may require
16 the said corporation to file its bond to him with the county
17 commissioners, in such sum and with such sureties as they
18 may approve, conditioned for said judgment or deposits.
19 No action shall be brought against the said corporation for
20 such taking, holding and occupation until after such failure
21 to pay or deposit as aforesaid.

Sect. 7. Any person suffering damage by the taking of

2 water by said company as provided by this act, may have
3 his damages assessed provided in the preceeding section, in
4 payment therefore shall be made in same manner and with
5 the same effect. No action shall be brought for the same
6 until after the expiration of the time of payment.

Sect. 8. In case of failure to agree with any railroad
2 company as to place, manner and condition of crossing its
3 railroad with such pipe, the place, manner and condition of
4 such crossings shall be determined by the Public Utilities
5 Commission, and all works within the limits of the railroad
6 location and lands shall be done under the supervision and
7 to the satisfaction of the officers and agents of the railroad
8 company, but at the expense of said water company.

Sect. 9. The said corporation is hereby authorized to
2 make contracts with the towns of Smyrna, Oakfield and
3 Merrill, and with any village corporation in said towns, and
4 with the inhabitants thereof, of any corporation doing busi-
5 ness therein, for the supply of water for any and all the
6 purposes contemplated in this act; and the said towns and
7 any village corporation in the said town by their proper offi-
8 cers are hereby authorized to enter into any contract with
9 the said corporation for its supply of water for any and all
10 purposes mentioned in this act, and in consideration thereof
11 to relieve said corporation from such public burdens by
12 abatement or otherwise as said town, village corporation,
13 and the said corporation may agree upon, which, when
14 made, shall be legal, and binding upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously corrupt
2 the water supply of the said corporation, whether frozen or
3 not, or in any way render such water impure, or whoever
4 shall willfully, or maliciously injure any of the works of
5 said corporation, shall be punished by a fine not exceeding
6 one thousand dollars, or by imprisonment not exceeding
7 two years, and shall be liable to said corporation for three
8 times the actual damage, to be recovered in any proper
9 action.

Sect. 11. The capital stock of the said corporation shall
2 be fifty thousand dollars and said stock shall be divided
3 into shares of twenty-five dollars each.

Sect. 12. The said corporation, for all of its said purposes.
2 may hold real and personal estate necessary and convenient
3 therefor, not exceeding fifty thousand dollars.

Sect. 13. The said corporation may issue its bonds, for the
2 construction of its works, of any and of kinds upon such
3 rates and time as it may be expedient, to the amount not ex-
4 ceeding its capital stock, and to secure the same by mort-
5 gage of its franchise and property.

Sect. 14. The first meeting of said corporation may be
2 called by written notice therefore, signed by two of the in-
3 corporators herein named, served upon each of the incor-
4 porators by giving him the same in hand or by leaving the
5 same at his last and usual place of abode, seven days at least
6 before said meeting.

Sect. 15. This act shall take effect when approved.