

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 543

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*House of Representatives, March 13, 1917.*

*Printed under joint rules.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT to incorporate the Smyrna and Oakfield Water  
Company.

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*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 towns 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 the  
3 springs of water in lands owned by Fritz Soule in the town  
4 of Merrill, in the county of Aroostook, or from any spring,  
5 pond, brook or other waters in the towns of Smyrna, Oak-  
6 field and Merrill, in said county of Aroostook, to conduct  
7 and distribute the same into and through the said towns of  
8 Smyrna, Oakfield and Merrill, and to survey for, locate, con-  
9 struct and maintain all suitable and convenient dams, reser-  
10 voirs, sluices, hydrants, buildings, machinery, lines of pipe,  
11 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  
5 necessary 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 reasonable  
8 restrictions and conditions as the selectmen of the said towns  
9 may impose and the said corporation shall be responsible for  
10 all damages to said towns, and to all corporations, persons  
11 and property, occasioned by such use of the highways, ways  
12 and streets. Whenever said corporation shall lay down, or  
13 construct, any pipes or fixtures in any highway, way or  
14 street, or make any alterations thereof, or repairs upon its  
15 works, in any highway, way or street, it shall cause the same  
16 to be done with as little obstruction to public travel as may  
17 be practical, and shall at its own expense without any un-  
18 necessary delay, cause the earth and pavement then removed  
19 by it, to be replaced in proper condition.

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  
6 and other necessary structures or fixtures, in, over and  
7 through any land for the said purposes, and excavate in and  
8 through such lands for said location, construction or erec-  
9 tion, and in general, do any act necessary, convenient or  
10 proper, for carrying out any of the said purposes of incor-  
11 poration. It may enter such lands and make surveys and  
12 locations, and shall file in the registry of deeds in the county

13 of Aroostook, plans of such locations and lands, showing the  
14 property taken, within thirty days thereafter publish notices  
15 of such filing in some newspaper, in said county, said publi-  
16 cation to be continued three weeks successively.

Sect. 6. Should the said corporation and owner of such  
2 land be unable to agree upon the damages to be paid for such  
3 location taken, holding, flowing and construction, such dam-  
4 ages shall be assessed in accordance with the law applicable  
5 to the assessment of damages for ways taken by railroads.  
6 If said corporation shall pay such land owner, or deposit  
7 for his use with the clerk of the county commissioners  
8 aforesaid, such sum as may be finally awarded as damages,  
9 with costs when recovered by him, within ninety days after  
10 notice, or final judgment shall have been received by the  
11 clerk of courts of said county, the said location shall be  
12 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 the  
15 rendition of final judgment the land owner may require the  
16 said corporation to file its bond to him with the county com-  
17 missioners, in such sum and with such sureties as they may  
18 approve, conditioned for said judgment or deposits. No  
19 action shall be brought against the said corporation for such  
20 taking, holding and occupation until after such failure to  
21 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 preceding 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 com-  
2 pany as to place, manner and condition of crossing its rail-  
3 road with such pipe, the place, manner and condition of such  
4 crossings shall be determined by the public utilities commis-  
5 sion, and all works within the limits of the railroad location  
6 and lands shall be done under the supervision and to the sat-  
7 isfaction of the officers and agents of the railroad company,  
8 but at the expense of said water company.

Sect. 9. The said corporation is hereby authorized to make  
2 contracts with the towns of Smyrna, Oakfield and Merrill,  
3 and with any village corporation in said towns, and with  
4 the inhabitants thereof, of any corporation doing business  
5 therein, for the supply of water for any and all the purposes  
6 contemplated in this act; and the said towns and any village  
7 corporation in the said town by their proper officers are  
8 hereby authorized to enter into any contract with the said  
9 corporation for its supply of water for any and all pur-  
10 poses 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 made,  
14 shall be legal, and binding upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously cor-

rupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall willfully, or maliciously injure any of the works of said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

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

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

Sect. 13. The said corporation may issue its bonds, for the construction of its works, of any and of kinds upon such rates and time as it may be expedient, to the amount not exceeding its capital stock, and to secure the same by mortgage of its franchise and property.

Sect. 14. The first meeting of said corporation may be called by written notice therefor, signed by two of the incorporators herein named, served upon each of the incorporators by giving him the same in hand or by leaving the same at his last and usual place of abode, seven days at least before said meeting.

Sect. 15. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of

3 any existing statute. And all the rights and duties herein  
4 mentioned shall be exercised and performed in accordance  
5 with all the applicable provisions of chapter fifty-five of the  
6 revised statutes of Maine.