

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 175

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*In Senate, Feb. 13, 1917.*

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

*W. E. LAWRY, Secretary.*

*Presented by Mr. Higgins of Penobscot.*

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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 Dirigo Water Company.

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

Section 1. Fred R. Ayer, George E. Hyde and Albert D.  
2 Pomeroy, all of Bangor, and Stuart W. Webb, of Boston,  
3 their successors and assigns, are hereby made a corporation  
4 by the name of the Dirigo Water Company, for the purpose  
5 of supplying upon the conditions hereinafter contained, the  
6 city of Brewer and the towns of Veazie, Orrington, Edding-  
7 ton and Holden, or any of them, and the inhabitants thereof  
8 with water for domestic, municipal and industrial purposes.

Sect. 2. The company for such purposes may take, store,

2 divert and use the water of Brewer pond lying in the towns  
3 of Bucksport, Orrington and Holden in the counties of Han-  
4 cock and Penobscot, and of its tributaries wherever situated ;  
5 provided, however, that at all times unless otherwise agreed  
6 by the Eastern Manufacturing Company, after the city of  
7 Brewer and the inhabitants thereof have been supplied by  
8 the company with sufficient water for municipal and domes-  
9 tic purposes, sufficient water shall be allowed to flow out of  
10 Brewer pond down the Segeundedunk stream as far as the  
11 present intake pipes of the Eastern Manufacturing Company  
12 to supply that company with the same quantity of water it  
13 now uses at its plant in South Brewer, and may locate, con-  
14 struct and maintain dams, gates, reservoirs, pipes, hydrants  
15 and other necessary structures.

Sect. 3. The company may take and hold by lease, pur-  
2 chase or by condemnation proceedings land or any interest  
3 therein, or water rights or any interest therein necessary  
4 for erecting dams for flowage purposes, or to create power  
5 for pumping, also for sites for reservoirs or other structures,  
6 also for preserving the purity of the water shed, also for  
7 laying and maintaining pipes and other fixtures, also for  
8 taking and distributing water and also for increasing the  
9 storage capacity of Brewer pond or any pond tributary  
10 thereto.

Sect. 4. The company may lay and maintain in, under or  
2 through any street, highway or way and across any private  
3 lands pipes and other fixtures necessary or convenient for

4 supplying said city and towns with water, as herein provided  
5 and may repair or replace the same ; and whenever said com-  
6 pany shall lay pipes or other fixtures in, under or through  
7 any highway or way it shall cause the same to be done with  
8 as little obstruction as possible to public travel, and shall at  
9 its own expense, without unnecessary delay, cause the earth  
10 and pavement removed to be replaced in proper condition.  
11 The rights herein conferred upon the company to lay, con-  
12 struct and maintain pipes or other fixtures in, under, through,  
13 along and across the streets and highways or ways of the  
14 city of Brewer shall not be exercised until consent thereto  
15 is given by the municipal officers of said city. This pro-  
16 vision, however, is not to apply after consent by said municip-  
17 al officers has once been given to lay, construct and main-  
18 tain pipes, hydrants and other structures as above provided.

The company may lay, construct and maintain its pipes  
2 across the location of any railroad, but all work within the  
3 limits of any railroad location shall be done under the super-  
4 vision of the chief engineer of such railroad company and  
5 at the expense of the water company.

The company shall be responsible for damages to persons  
2 and property occasioned by the use of such streets, high-  
3 ways and ways and shall be liable to pay to said city or towns  
4 any sums recovered against them or any of them on account  
5 of obstructions placed therein by the company and any ex-  
6 penses, including reasonable counsel fees incurred in defend-  
7 ing suits, commenced against said city or towns, providing

8 the company shall have notice of such suits and an oppor-  
9 tunity to come into court and defend.

Sect. 5. The company may take and hold any waters as  
2 limited in section two and also any lands necessary for dams,  
3 power stations, reservoirs, and other necessary structures,  
4 and may locate, lay, and maintain pipes, hydrants and other  
5 necessary structures or fixtures upon, over and through any  
6 lands for its said purposes, and may excavate in and through  
7 such lands for such locations, construction and maintenance.  
8 It may enter upon such lands to make surveys and locations.  
9 It shall file in the registry of deeds for the county in which  
10 such lands lie, plans of such locations and lands taken, show-  
11 ing the property taken, and within thirty days thereafter,  
12 publish notice of such filing in some newspaper published  
13 or printed in said county, such publication to be continued  
14 three weeks successively. Not more than one rod in width  
15 of land shall be occupied by one line of pipe.

Should the company and the owner of such land so taken  
2 be unable to agree upon the damages to be paid therefor,  
3 the damages shall be assessed in accordance with the law  
4 applicable at the time to the assessment of damages for land  
5 taken by railroads, so far as such law is consistent with the  
6 provisions of this act. If said company shall fail to pay  
7 such land owner, or deposit for his use with the clerk of the  
8 county commissioners of the county where the land is lo-  
9 cated, such sums as may be finally awarded as damages, with  
10 costs when recovered by him, within ninety days after notice

11 of final judgment shall have been received by the clerk of  
12 courts of said county, the said location shall thereby be ren-  
13 dered invalid, and said company shall forfeit all rights under  
14 the same as against such land owner. The company may  
15 make a tender to any land owner damaged under the pro-  
16 visions of this act, and if such land owner recovers more  
17 damages than were tendered him by said company, he shall  
18 recover cost; otherwise said company shall recover costs.  
19 In case the company shall begin to occupy such lands before  
20 the rendition of final judgment, the land owner may require  
21 the company to file its bond running to him with the county  
22 commissioners of the county in which the land lies, in such  
23 sum and with such sureties as they approve, conditioned for  
24 said payment or deposit. No action shall be brought against  
25 the company for such taking, holding and occupation until  
26 after such failure to pay or deposit as aforesaid. Failure  
27 to apply for damages within two years by the land owner  
28 shall be held to be a waiver of the same.

Sect. 6. The company shall acquire and hold by purchase  
2 the property, rights and franchises of the Bangor Railway  
3 and Electric Company owned and exercised by that company  
4 for the purpose of supplying the city of Brewer and the  
5 towns of Veazie and Orrington, or any of them and the in-  
6 habitants thereof with water.

Sect. 7. The company may make contracts with other cor-  
2 porations and with the city of Brewer or the towns of Ve-  
3 zie, Orrington, Eddington and Holden, or any of them, or

4 any village corporation therein to supply them with water  
5 as contemplated by this act, and said city by its city council  
6 and said towns by their municipal officers, or said village  
7 corporations by their assessors are authorized and empow-  
8 ered to enter into contracts with the company for a supply  
9 of water for public uses on such terms and for such time  
10 as the parties may agree, which when made shall be legal and  
11 binding on all parties thereto, subject always to the approval  
12 of the Public Utilities Commission of Maine. And said city  
13 or towns may raise money as for other city and town charges,  
14 to carry out the provisions of any such contracts entered into  
15 by them.

Sect. 8. The capital stock of the company shall be five  
2 hundred thousand dollars, divided into shares of one hun-  
3 dred dollars each.

Sect. 9. The company for its said purposes, may hold real  
2 and personal estate necessary and convenient therefor.

Sect. 10. The company may issue its bonds in such  
2 amounts and upon such terms as the Public Utilities Com-  
3 mission of Maine from time to time may order and direct,  
4 and secure payment of the same by a mortgage or mort-  
5 gages of its property and franchise, now owned by it or here-  
6 after acquired.

Sect. 11. The first meeting of the company may be called  
2 by a written notice thereof, signed by any corporator herein  
3 named, served upon each other corporator by giving him the  
4 same in hand, or by leaving the same at his last usual place

5 of abode, seven days at least before the time of meeting.

Sect. 12. Section two, three, four and five of this act shall  
2 be inoperative, null and void unless, and the rights herein  
3 granted are upon the express condition, the company first  
4 acquires by purchase the property, rights and franchises of  
5 the Bangor Railway and Electric Company, so far as the  
6 same are used at the time of such purchase, to supply the  
7 city of Brewer and the towns of Veazie and Orrington and  
8 the inhabitants thereof with water, and first enters into a  
9 contract with the city of Brewer too supply the city of  
10 Brewer and the inhabitants thereof with water from Brewer  
11 pond and its tributaries, and the Bangor Railway and Elec-  
12 tric Company is hereby authorized and empowered to sell  
13 and transfer its property, rights and franchises to the Dirigo  
14 Water Company as provided in section six.

Sect. 13. No person, firm, association, club or corporation  
2 shall hereafter build, maintain or occupy any structure in  
3 or upon or upon or near the shores of Brewer pond or any  
4 pond or stream tributary thereto in such manner that the  
5 sewer or drainage therefrom shall enter the waters of Brewer  
6 pond or any pond or stream tributary thereto. No person  
7 shall hereafter throw the body of any dead animal or other  
8 offensive material into the water of said Brewer pond or  
9 into the waters of any pond or stream tributary thereto, or  
10 leave the same upon such ponds, or streams, when frozen;  
11 nor shall any sewage, drainage, refuse or polluting matter,  
12 of such kind and amount as, either by itself or in connection



13 with other matter, will tend to corrupt or impair the purity  
14 of the waters of said ponds and streams, or tend to render  
15 them injurious to health, be discharged into said waters or  
16 deposited therein or thereon.

Sect. 14. Whoever violates any of the provisions of sec-  
2 tion thirteen of this act, shall be punished by a fine not ex-  
3 ceeding five hundred dollars or by imprisonment not exceed-  
4 ing one year and the supreme judicial court shall have juris-  
5 diction in equity to enjoin, prevent or restrain any violation  
6 of the provisions contained in section thirteen of this act.