

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 315

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*In Senate, March 13, 1917.*

*Reported by Mr. Lord from Committee on Public Utilities  
and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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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 pur-  
5 pose of supplying upon the conditions hereinafter contained,  
6 the city of Brewer and the towns of Veazie, Orrington,  
7 Eddington and Holden, or any of them, and the inhabitants  
8 thereof with water for domestic, municipal and industrial  
9 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  
4 Hancock and Penobscot, and of its tributaries wherever  
5 situated; provided, however, that at all times unless other-  
6 wise agreed by the Eastern Manufacturing Company, after  
7 the city of Brewer and the inhabitants thereof have been  
8 supplied by the company with sufficient water for municipal  
9 and domestic purposes, sufficient water shall be allowed to  
10 flow out of Brewer pond down the Segeundeunk stream  
11 as far as the present intake pipes of the Eastern Manu-  
12 facturing Company to supply that company with the same  
13 quantity of water it now uses at its plant in South Brewer,  
14 and may locate, construct and maintain dams, gates, reser-  
15 voirs, pipes, hydrants 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 for  
4 erecting dams for flowage purposes, or to create power for  
5 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  
2 or through any street, highway or way and across any pri-

3 vate lands pipes and other fixtures necessary and convenient  
4 for supplying said city and towns with water as herein pro-  
5 vided and may repair and replace the same; and whenever  
6 said company shall lay pipes or other fixtures in, under or  
7 through any highway or way, it shall cause the same to  
8 be done with as little obstruction as possible to public travel,  
9 and shall at its own expense, without unnecessary delay,  
10 cause the earth and pavement removed to be replaced in  
11 proper condition. The rights herein conferred upon the  
12 company to lay, construct and maintain pipes or other fix-  
13 tures in, under, through, along and across the streets and  
14 highways or ways of the city of Brewer shall not be exer-  
15 cised until consent thereto is given by the municipal officers  
16 of said city. This provision, however, is not to apply after  
17 consent by said municipal officers has once been given to  
18 lay, construct, and maintain pipes, hydrants and other struc-  
19 tures 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  
4 towns any sums recovered against them, or any of them  
5 on account of obstructions placed therein by the company

6 and the expenses, including reasonable counsel fees incurred  
7 in defending suits, commenced against said city or towns,  
8 providing the company shall have notice of such suits and  
9 an opportunity 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  
3 dams, power stations, reservoirs, and other necessary struc-  
4 tures, and may locate, lay, and maintain pipes, hydrants and  
5 other necessary structures or fixtures upon, over and  
6 through any lands for its said purposes, and may excavate  
7 in and through such lands for such locations, construction  
8 and maintenance. It may enter upon such lands to make  
9 surveys and locations. It shall file in the registry of deeds  
10 for the county in which such lands lie, plans of such loca-  
11 tions and lands taken, showing the property taken, and  
12 within thirty days thereafter, publish notice of such filing  
13 in some newspaper published or printed, in said county,  
14 such publication to be continued three weeks successively.  
15 Not more than one rod in width of land shall be occupied  
16 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

8 the county commissioners of the county where the land is  
9 located such sums as may be finally awarded as damages,  
10 with costs when recovered by him, within ninety days after  
11 notice of final judgment shall have been received by the  
12 clerk of courts of said county, the said location shall thereby  
13 be rendered invalid, and said company shall forfeit all rights  
14 under the same as against such land owner. The company  
15 may make a tender to any land owner damaged under the  
16 provisions 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 com-  
4 pany for the purpose of supplying the city of Brewer and  
5 the towns of Veazie and Orrington, or any of them and the  
6 inhabitants thereof with water.

Sect. 7. The company may make contracts with other corporations and with the city of Brewer or the towns of Veazie, Orrington, Eddington and Holden, or any of them, or any village corporation therein to supply them with water as contemplated by this act, and said city by its city council and said towns by their municipal officers, or said village corporations by their assessors are authorized and empowered to enter into contracts with the company for a supply of water for public uses on such terms and for such time as the parties may agree, which when made shall be legal and binding on all parties thereto, subject always to the approval of the public utilities commission of Maine. And said city and towns may raise money as for other city and town charges, to carry out the provisions of any such contracts entered into by them.

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

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

Sect. 10. The company may issue its bond in such amounts and upon such terms as the public utilities commission of Maine from time to time may order and direct, and secure payment of the same by a mortgage or mortgages of its property and franchise, now owned by it or hereafter 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. Sections two, three, four and five of this act  
2 shall be inoperative, null and void unless, and the rights  
3 herein granted are upon the express condition, the company  
4 first acquires by purchase the property, rights and franchises  
5 of the Bangor Railway and Electric Company, so far as  
6 the same are used at the time of such purchase to supply  
7 the city of Brewer and the towns of Veazie and Orrington  
8 and the inhabitants thereof with water, and first enters into  
9 a contract with the city of Brewer to 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 corpora-  
2 tion shall hereafter build, maintain or occupy any structure  
3 in or upon or near the shores of Brewer pond or any pond  
4 or stream tributary thereto in such manner that the sewer  
5 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,



10 or leave the same upon such ponds, or streams, when frozen ;  
11 nor shall any sewage, drainage, refuse or polluting matter,  
12 or such kind and amount as, either by itself or in connec-  
13 tion with other matter, will tend to corrupt or impair the  
14 purity of the waters of said ponds and streams, or tend to  
15 render them injurious to health, be discharged into said  
16 waters or 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 ex-  
4 ceeding one year and the supreme judicial court shall have  
5 jurisdiction in equity to enjoin, prevent or restrain any vio-  
6 lation of the provisions contained in section thirteen of this  
7 act.

Sect. 15. Nothing herein contained is intended to repeal  
2 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.