

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 456

House of Representatives, March 23, 1923.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hallett of Ashland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Incorporate the Ashland Water and Sewer
Company.

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

Section 1. C. Fred Clayton, William L. Waldron, Charles
2 A. Carter and Whitfield B. Hallett, with their associates
3 and successors are hereby made a corporation by the name
4 of Ashland Water and Sewer Company, for the purpose of
5 furnishing the people of Ashland with a supply of pure
6 water for domestic, municipal, mechanical and manufactur-
7 ing purposes, and to provide the said town with a system
8 of public sewerage and drainage for the comfort, con-

9 venience and health of the people of Ashland, with all the
10 rights, privileges and immunities incident to similar cor-
11 porations.

Sect. 2. *Right of eminent domain conferred.* Said cor-
2 poration, for the purposes of its incorporation and for car-
3 rying out all of the powers, rights and privileges incident
4 thereto, is hereby authorized to take and hold as for public
5 uses by purchase, eminent domain or otherwise, any real
6 or personal property, or easement, or interest therein, or
7 water rights necessary for erecting and maintaining dams,
8 for flowage, for power for pumping its water supply through
9 its mains, for reservoirs, for preserving the purity of the
10 water and water shed, for laying and maintaining aqueducts
11 and other structures, and taking, distributing, discharging
12 and disposing of water, and for rights of way or roadways
13 to its sources of supply, its dams, power stations, reser-
14 voirs, mains, aqueducts, structures and lands, or for the
15 purpose of forming basins, reservoirs and outlets, of the
16 erection of building for pumping works, and for laying
17 pipes and maintaining the same, and for laying and main-
18 taining conduits for carrying, collecting, discharging and
19 disposing of sewerage matters and waters, and for other
20 objects necessary, convenient and proper for the purpose of
21 this act.

Sect. 3. *Authorized to lay mains, etc., through public ways
2 and across private lands.* Said corporation is hereby au-
3 thorized to lay in and through the streets, roads, ways and

4 highways of said town of Ashland, or in or upon any lands
5 from any source of water supply created for carrying out
6 the purposes of this act, and across private lands therein,
7 and to maintain, repair and replace all such pipes, aque-
8 ducts, conduits and fixtures as may be necessary and con-
9 venient for its corporate purposes.

Sect. 4. *Laying of mains, pipe lines and conduits.* When-
2 ever said corporation shall lay any pipes, aqueducts or con-
3 duits in any street, road, way or highway, it shall cause the
4 same to be done with as little obstruction as practicable to
5 the public travel, and shall at its own expense, without
6 unnecessary delay, cause the earth removed by it to be
7 replaced in proper condition; all of said things to be done
8 under such supervision, control or restriction by the mu-
9 nicipal officers as may be by law conferred thereon.

Sect. 5. *Hydrants and reservoirs.* Said corporation may
2 erect and maintain reservoirs, standpipes, hydrants and all
3 usual fire guards, public and private, may build and main-
4 tain pumping stations and buildings, construction and ap-
5 pliances for using water for mechanical and manufactur-
6 ing purposes, and may establish regulations for the use of
7 water or sewerage rights, and fix and collect the prices and
8 rents to be paid therefor. Provided, however, that in all
9 things done under the provisions of this act, said corpo-
10 ration shall be subject to the rights and powers of the pub-
11 lic utilities commission in regard to fixing rates and in all
12 other matters where authority is vested in the public utili-

13 ties commission to regulate and control the same.

Sect. 6. *Time of taking.* Said corporation shall take any
2 land or interest or easement therein by the right of eminent
3 domain under this act, which it shall file in the registry of
4 deeds of the southern registry district of Aroostook coun-
5 ty, with a certificate containing a description of such land
6 taken or which an easement or interest may be taken and
7 a statement of the purposes for which it is taken, to be
8 recorded by the registrar, and such land or interest or ease-
9 ment shall be deemed to be taken upon the filing of such
10 certificate.

Sect. 7. *Where sewerage may be discharged.* Said cor-
2 poration, for the purpose of carrying out the provisions of
3 this act in relation to sewerage, may discharge through its
4 conduits any sewerage at such point or points in the Aroos-
5 took river as may be most convenient, and may convey
6 through the same sewerage surface water and such other
7 water as may be necessary for the efficient management
8 of proper sewerage facilities, may construct and maintain
9 flush tanks, man holes and the usual appliances, public and
10 private, and build and maintain pumping stations, buildings,
11 constructions and appliances for collecting, holding, dis-
12 charging and disposing of sewerage matters.

Sect. 8. *Adjustment of damages.* If any person sustain-
2 ing damages for any taking as aforesaid shall not agree
3 with the said corporation on the sum to be paid therefor,
4 either party, upon petition to the county commissioners of

5 Aroostook county, may have said damages assessed by
6 them. The procedure and all subsequent proceedings and
7 right of appeal thereon shall be had under the same re-
8 strictions, conditions and limitations as are or may be by
9 law prescribed in the case of damages by laying out of
10 highways.

Sect. 9. The affairs of said corporation shall be con-
2 trolled by a board of directors, consisting of not less than
3 five members, who shall be citizens of the town of Ashland
4 and elected annually by vote of the stockholders of the
5 corporation; and the board of directors shall choose such
6 other officers as may from time to time be required by the
7 by-laws of the corporation.

Sect. 10. *Capital stock.* The capital stock of said cor-
2 poration shall be one hundred thousand dollars, divided into
3 shares of one hundred dollars each.

Sect. 11. *Bond issue.* Said corporation may issue its
2 bonds for the construction of its work to any amount not
3 exceeding one hundred thousand dollars, and secure the
4 same by mortgage or mortgages of the franchise of said
5 corporation, and of all of its property then owned and to
6 be acquired. Provided, however, that the issuance of said
7 stock and bonds shall be subject to the approval of the
8 public utilities commission, provided by law.

Sect. 12. *Waiver of right to claim damages.* Any per-
2 son, firm or corporation whose land or any interest therein
3 is taken under the provisions of this act shall be held to

4 have waived their right to apply for damages therefor un-
5 less application to said corporation for said damages is made
6 within one year from the taking thereof.

Sect. 13. *Authority of town to contract.* Said corpora-
2 tion, through its officers, is authorized to contract with per-
3 sons and corporations, including said town of Ashland, and
4 the said town of Ashland is authorized to contract with it
5 for furnishing water for domestic, sanitary, manufacturing
6 or municipal purposes, and for the collection, discharge and
7 disposition of sewerage or other waste matter.

Sect. 14. Said town of Ashland is hereby granted the
2 right, in the event that at any future time it shall at any
3 annual or special meeting of said town called for the pur-
4 pose, elect so to do, to take over the entire property of
5 said corporation, including all franchises, rights, privileges,
6 lands, easements, reservoirs, mains, pipe lines, conduits, and
7 all other property of every name, nature and description,
8 by paying therefor such sum or sums as may be agreed
9 upon by said corporation and the municipal officers of said
10 town, subject to the approval of said town. And in the
11 event that said town and corporation cannot agree, then in
12 that event said town may exercise its rights of taking under
13 the provisions of this section by paying said corporation the
14 original cost to said corporation of all the franchises, rights
15 and property of said corporation, together with any addi-
16 tions or increases made thereto up to the time of taking
17 over said corporate interests by said town of Ashland, to-

18 gether with ten per cent increase thereof, provided said
19 corporation has no deficit or losses charged; and in the
20 event of the existence of any of such losses said town, in
21 addition to the foregoing, shall pay in addition to the afore-
22 said sums an amount equal to all of said losses, together
23 with ten per cent interest thereon.

Sect. 15. *First meeting.* The first meeting of said cor-
2 poration may be called by a written notice thereof signed
3 by any incorporator herein named, and served upon each
4 of the incorporators by giving the same in hand or by leav-
5 ing the same at his last and usual place of abode seven days
6 before the time of meeting. If all incorporators are pres-
7 ent at such meeting of the organization, either personally
8 or by written proxy, said meeting and doings thereof shall
9 be legal, notwithstanding no notice thereof has been given.

Sect. 16. 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.