

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 74

H. P. 291 House of Representatives, Feb. 3, 1927.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Foster of Ellsworth.

STATE OF MAINE

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

AN ACT to Incorporate the Blue Hill Water Company.

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

Section 1. Forrest B. Snow, Harry Hinckley, Anne Paul
2 Nevin, Maxwell R. Hinckley, Washington I. Partridge,
3 their associates, successors and assigns, are hereby made
4 a corporation by the name of the Blue Hill Water Com-
5 pany, for the purpose of supplying the town of Blue Hill,
6 in the county of Hancock, and the inhabitants of said town,
7 with pure water for domestic, sanitary, municipal and pub-
8 lic purposes, including the extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain,
2 collect, take, store, use and distribute water from any
3 springs, except such springs as are in actual use for do-

4 mestic purposes, ponds, streams, or other water sources,
5 in said Blue Hill, and may locate, construct and maintain
6 cribs, reservoirs, aqueducts, gates, pipes, hydrants and all
7 other necessary structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, through, along and across
3 the highways, ways, streets, railroads and bridges in said
4 town, and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants and structures as may be neces-
6 sary for the purposes of its incorporation, so as not to
7 unreasonably obstruct the same, under such reasonable re-
8 strictions as the selectmen of said town may impose. It
9 shall be responsible for all damages to persons and prop-
10 erty occasioned by the use of such highways, ways and
11 streets, and further shall be liable to pay to said town all
12 sums recovered against said town for damages for obstruc-
13 tion caused by said company, and for all expenses, includ-
14 ing reasonable counsel fees in defending such suits, with
15 interest on the same, provided said company shall have
16 notice of such suits and opportunity to defend the same.

Sect. 4. Said company shall have power to cross any
2 water course, private and public sewer, or to change the
3 direction thereof when necessary for the purposes of its
4 incorporation, but in such manner as not to obstruct or
5 impair the use thereof, and it shall be liable for any injury
6 caused thereby. Whenever said company shall lay down
7 any fixtures in any highway, way or street, or make any

8 alterations or repairs upon its works in any highway, way
9 or street, it shall cause the same to be done with as little
10 obstruction to public travel as may be practicable, and shall,
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced
13 in proper condition.

Sect. 5. Said company may take and hold any waters
2 as limited in section two, and also any lands necessary for
3 reservoirs, and other necessary structures, and may locate,
4 lay and maintain aqueducts, pipes, hydrants and other nec-
5 essary structures and fixtures in, over and through any
6 lands for its said purposes, and excavate in and through
7 such lands for such location, construction and maintenance.
8 It may enter upon such lands to make surveys and loca-
9 tion, and shall file in the registry of deeds for said county
10 of Hancock, plans of such location and lands, showing the
11 property taken, and within thirty days thereafter, publish
12 notice of such filing in some newspaper in said county,
13 such publication to be continued three weeks successively.

Sect. 6. Should said company and the owner of such
2 lands so taken be unable to agree upon the damages to be
3 paid for such location, taking, holding and construction,
4 the damages shall be assessed in accordance with the laws
5 applicable to the assessment of damages for ways taken
6 by railroads, so far as such law is consistent with the pro-
7 visions of this act. If said company shall fail to pay such
8 land owner or deposit for his use with the clerk of the

9 county commissioners aforesaid, such sum as may be finally
10 awarded as damages, with costs when recovered by him,
11 within ninety days after notice of final judgment shall have
12 been received by the clerk of courts of said county, the
13 said location shall be hereby invalid, and said company for-
14 feit all rights under the same as against such land owner.
15 Said company may make a tender to any land owner dam-
16 aged under the provisions of this act, and if such land
17 owner recovers more damages than were tendered by said
18 company, he shall recover costs, otherwise said company
19 shall recover costs. In case said company shall begin to
20 occupy such lands before the rendition of final judgment,
21 the land owner may require said company to file its bond
22 with said county commissioners, in such sum and with such
23 sureties as they approve, conditioned for said payment or
24 deposit. No action shall be brought against said company
25 for such taking, holding and occupation, until after such
26 failure to pay or deposit as aforesaid. Failure to apply
27 for damages within three years by the land owner, shall
28 be held to be a waiver of the same.

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 in the manner provided in the pre-
4 ceding section, and payment thereof shall be made in the
5 same manner and with the same effect. No action shall
6 be brought for the same until after the expiration of the

7 time of payment. And a tender by said company may be
8 made with the same effect as in the preceding section.

Sect. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations,
3 and inhabitants of said town of Blue Hill or any village
4 corporation therein for the purpose of supplying water as
5 contemplated by this act; and said town of Blue Hill by
6 its selectmen, or any such village corporation by its as-
7 sessors, is hereby authorized to enter into contract with
8 said company for a supply of water for public uses, on
9 such terms and for such time as the parties may agree,
10 which when made, shall be legal and binding on all parties
11 thereto, and said town of Blue Hill or any village corpo-
12 ration therein, for this purpose, may raise money in the
13 same manner as for other municipal charges.

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

Sect. 10. The capital stock of said company shall be one
2 hundred thousand dollars, which may be from time to time
3 increased by vote of said company not to exceed two hun-
4 dred thousand dollars, and shall be divided into shares of
5 ten dollars each.

Sect. 11. Said company may, subject to the approval of
2 the public utilities commission, issue its bonds for the con-
3 struction of its works and for other purposes of its incor-
4 poration of any and all kinds upon such rates and time as
5 it may deem expedient, to an amount not exceeding the

6 amount of the capital stock subscribed for, and secure the
7 same by mortgage of its franchise and property.

Sect. 12. Said town of Blue Hill, or any village corpo-
2 ration within the limits of said town of Blue Hill, at any
3 time after the expiration of five years from the opening
4 for use and service of a system of water works constructed
5 by said company and after a vote in a legal meeting to that
6 effect has been passed, shall have the right to purchase, and
7 by this act said company is required to sell to said town,
8 or said village corporation, said system of water works,
9 together with the franchises of this company relating there-
10 to, for such price as may be agreed upon by said town, or
11 said village corporation, and said company. And should
12 said parties be unable to agree upon the amount the same
13 shall be determined by a commission of three competent dis-
14 interested men, one of whom shall be selected by said com-
15 pany, one by said town of Blue Hill, or by said village
16 corporation, and the third by the two so selected if they
17 can agree, if not, then by the chief justice of the supreme
18 judicial court of Maine. The award of said commission-
19 ers, not less than cost, shall be binding upon said company
20 and said town, or village corporation, and said town or
21 village corporation shall pay the amount of said award for
22 said system of water works and franchises within ninety
23 days from the date when such award shall be rendered.
24 The costs of said commission shall be borne equally by the
25 said company and said town, or village corporation.

Sect. 13. The first meeting of said company may be
2 called by written notice thereof signed by any of the cor-
3 porators herein named, served upon each of the other cor-
4 porators by giving him the same in hand, or by leaving the
5 same at his last usual place of abode, or by mailing the
6 same to him at his last known residence or place of busi-
7 ness, or by publishing the same in some newspaper in the
8 county of Hancock at least seven days before the time of
9 such meeting. If all corporators are present at such meet-
10 ing, either personally or by written proxy, said meeting
11 and doings thereof shall be legal, notwithstanding no notice
12 thereof has been given.

Sect. 14. Nothing herein contained is intended to repeal
2 or shall be construed as repealing the whole or any part
3 of any existing statute. And all the rights and duties here-
4 in mentioned shall be exercised and performed in accord-
5 ance with all the applicable provisions of chapter fifty-five
6 of the revised statutes, and acts amendatory thereof and
7 additional thereto.