

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 135

H. P. 239

House of Representatives, January 24, 1951.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gay of Damariscotta by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Confer the Right of Eminent Domain upon Wiscasset Water Company.

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

Sec. 1. Right of eminent domain granted. Wiscasset Water Company, a corporation organized under the general law, is hereby authorized to take and hold as for public use water, water sources and supplies, real estate and personal estate and any interest therein necessary to furnish water for domestic, sanitary, industrial, municipal, or other uses to the town of Wiscasset in the county of Lincoln and adjoining towns and to the inhabitants of the said town of Wiscasset and adjoining towns; and to exercise the right of eminent domain as herein provided; to acquire for such purposes any land or interest therein or water rights necessary for erecting and maintaining dams, plants, works, for flowage, for power, for pumping and supplying through its mains, systems and reservoirs, for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures for taking, distributing, discharging and disposing of water and for basins, reservoirs and outlets, and the erection of buildings for pumping works for use therein, and laying pipes and mains and maintaining same, and such other objects necessary, convenient and proper for the purposes of its incorporation, and for rights-of-way or roadways to its

source of supply, dams, power stations, reservoirs, mains, aqueducts, structures, plants, works, facilities and lands.

Provided, however, nothing herein contained shall be construed as authorizing said company to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of legislature.

Sec. 2. Procedure as to the exercise of right of eminent domain. In exercising any rights of eminent domain that are herein conferred upon said company, the company shall file for record in the registry of deeds in said county plans of the location of lands or interest therein to be taken with an **appropriate description** and the names of the owners thereof, if known. When for any reason the company fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may at any time correct and perfect such location and file a new description thereof; and in such case the company is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the company shall not be liable for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing; whereupon possession may be had of all such lands or interest therein so taken, but title thereto shall not vest in said company until paid for.

Sec. 3. Adjustment of damages. If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said Wiscasset Water Company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Lincoln county, may have said damages assessed by them; the procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 4. Procedure if public utility must be crossed. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said Wiscasset Water Company, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the prop-

erty of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the Wiscasset Water Company.