

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1319**

H. P. 1781

House of Representatives, April 24, 1951

Reported by Mr. Fuller from the Committee on Judiciary. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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

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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 any interest therein necessary within the town of Wiscasset, Maine, except that no land can or shall be taken within 500 feet of the dwelling house now owned and occupied by Warren W. Grover, to furnish water for domestic, sanitary, industrial, municipal, or other uses to the town of Wiscasset in the county of Lincoln and to the inhabitants of the said town of Wiscasset; 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 erecting of buildings for pumping works for use therein, and laying pipes and mains and maintaining same, and such other objects neces-

sary, 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 land.

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.** The said company in exercising, from time to time, any right of eminent domain conferred upon it by law shall file written application with the public utilities commission requesting its approval of the proposed taking. Such application shall describe the property or rights to be taken, the purpose of the taking, and shall name all parties who may be interested therein; the commission shall appoint a time for a hearing near the premises, and shall require such notice as the commission may direct to be given to the persons interested at least 14 days before the date of the hearing; the commission then shall view the premises, hear the parties, and shall determine how much, if any, of the property described in the petition should be taken for the reasonable purposes of the company and for the safe, economical and efficient furnishing of an adequate water supply; and in authorizing any taking the commission may attach reasonable terms, limitations and restrictions as justice may require. If the commission shall find that any of the property described in the application is necessary for the aforesaid purposes of the company, it shall make a certificate containing a definite description of the property to be taken, and of any terms, restrictions and limitations in connection therewith, and shall furnish to the company a true copy thereof, attested by the clerk of the commission; and when such copy of the certificate is filed with the clerk of courts in the county of Lincoln, the property shall be deemed and treated as taken. Entry may be made on any private lands within the town of Wiscasset prior to the filing of any such application for the purpose of making surveys, the company being liable for any damage resulting from such entry. Possession by the company may be had of the property described in the certificate of the commission forthwith upon filing of such certificate as hereinbefore provided, but title to such property shall not vest in the company until payment therefor has been made or tendered.

**Sec. 3. Adjustment of damages.** If any person sustaining damages by

any taking as aforesaid shall not agree with the company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Lincoln county, may have such 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 utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said company, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property 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.