

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

rators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved March 21. 1901.

Chapter 470.

An Act to incorporate the Berwick Water Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. William S. Mathews, J. W. Shaw, William D. Clark, John E. Frost, E. F. Gowell and H. V. Noyes, C. E. Marshall, H. G. Lord of Berwick and Charles A. Bodwell of Sanford, with their associates and successors, be and are hereby made a corporation under the name of the Berwick Water Company, for the purpose of supplying the inhabitants of the town of Berwick with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Corporators.

—corporate name.

—purposes.

Section 2. The place of business of said corporation shall be at Berwick, in the county of York and state of Maine, and its business shall be confined to the town of Berwick, in said county.

Location.

Section 3. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from Worsster brook, Salmon Falls river, or from any spring, pond, brook, or other waters in the town of Berwick, to conduct and distribute the same into and through the said town of Berwick; and to survey for, locate, construct, and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

Authorized to take water.

—maintain dams, etc.

Section 4. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the town of Berwick, and to build and maintain all necessary structures therefor, at such places as shall be necessary for the said purposes of said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused thereby.

Authorized to lay pipes.

—cross any sewer.

—shall not impair use of.

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May lay pipes along any highway, etc., under restrictions imposed by selectmen.

—responsible for all damages.

—shall not obstruct travel.

May take land for flowage, etc.

—shall file plan of location in registry of deeds.

Damages, now ascertained in case of disagreement.

Section 5. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges in the said town, and to take up, replace and repair, all such aqueducts, sluices, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the said town may impose; and the said corporation shall be responsible for all damages to the said town, and to all corporations, persons and property, occasioned by such use of the highway, ways and streets. Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration or repairs upon its works, in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavement then removed by it, to be replaced in proper condition.

Section 6. The said corporation is hereby authorized to take and hold, by purchase or otherwise any land necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipes, and other necessary structures or fixtures in, over and through any land for the said purposes, and excavate in and through such land for such location, construction and erection. And in general to do any act necessary, convenient or proper for carrying out any of the said purposes of incorporation. It may enter upon such land to make surveys and locations, and shall file in the registry of deeds in the county of York, plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by more than one line of pipe or aqueduct.

Section 7. Should the said corporation and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding, flowing and construction, the land owner or said corporation may, within twelve months after said filing of plans of location, apply to the commissioners of said county of York, and cause such damages to be assessed in the same manner and under the same conditions as are prescribed by law in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said corporation shall fail to pay such land owner, or deposit for his

use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and the said corporation shall forfeit all rights under the same, as against such land owner. The corporation may make a tender to any land owner, damages under the provisions of this act, and if such land owner recovers more damages than was tendered him by the said corporation, he shall recover costs, otherwise the said corporation shall recover costs. In case the said corporation shall begin to occupy such land before the rendition of final judgment the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve conditioned for said judgment or deposits. No action shall be brought against the said corporation for such taking, holding and occupation until after such failure to pay or deposit as aforesaid. Failure to apply for damages within the said twelve months shall be held to be a waiver of them.

—when action may be brought for damages.

Section 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment therefor shall be made in same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of payment, and a tender by said company may be made with the same effect as in the preceding section.

Damages for taking of water, how assessed.

Section 9. The said corporation is hereby authorized to make contracts with the town of Berwick and with any, village corporation in the said town, and with the inhabitants thereof, of any corporation doing business therein, for the supply of water for any and all the purposes contemplated in this act; and the said town and any village corporations in the said town by their proper officers, are hereby authorized to enter into any, contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said town, village corporation, and the said corporation may agree upon, which, when made, shall be legal and binding upon all parties thereto.

May contract to supply town and village with water.

—town may contract for water and abate taxes.

Section 10. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall willfully or maliciously injure any of the works of the said corpora-

Penalty for corrupting water or injuring works.

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tion, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Capital stock.

Section 11. The capital stock of the said corporation shall be fifty thousand dollars and the said stock shall be divided into shares of fifty dollars each.

May hold property not exceeding \$100,000.

Section 12. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding one hundred thousand dollars.

May issue bonds and mortgage property.

Section 13. The said corporation may issue its bonds for the construction of its works, of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding its capital stock, and secure the same by mortgage of its franchise and property.

First meeting, how called.

Section 14. The first meeting of the corporation shall be called by a written notice therefor, signed by Harold V. Noyes, Charles A. Bodwell, or any incorporator named herein, served upon each corporator by giving the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting.

Town may purchase the system of water works any time within 20 years.

Section 15. At any time after twenty years from the date of the approval of this act the town of Berwick, if its inhabitants shall so vote, by a two-thirds vote, at a legal town meeting called therefor, shall have the right to purchase the system of water works constructed by this company in said town for supplying said town and the inhabitants thereof, together with the franchises of this company relating thereto, at a price to be agreed upon between said company and said town; and if such price cannot be agreed upon, then at a price, not less than cost, which shall be determined by a commission of three competent and disinterested men, one of whom shall be selected by said company, one by said town of Berwick, and the third by the two so selected if they can agree, if not, then by the chief justice of the supreme judicial court of Maine. The award of said commissioners, not less than cost, shall be binding upon said company and said town, and said town shall pay the amount of said award for said system of water works and franchises within ninety days from the date when said award shall be rendered. The cost of said commission shall be borne equally by the said company and said town.

—price, how determined.

Section 16. This act shall take effect when approved.