

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

said damages assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manner, and under the same conditions, restrictions, and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said twelve months shall be held to be a waiver of the same.

Section 6. Said corporation is hereby authorized to lay down and maintain in and through the streets and ways of said town of Sanford and adjoining towns, all such pipes, aqueducts and fixtures as may be necessary for the purposes hereinbefore mentioned. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof where necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof.

May lay
pipes.

—may cross
sewers, etc.

Section 7. Said company may establish and fix, from time to time, rates for the use of water and collect the same. Said town of Sanford is hereby authorized to enter into a contract with said company for a supply of water for all municipal purposes, which, when made shall be legal and binding upon all parties thereto.

Water rates.

Section 8. This act shall take effect when approved.

Approved March 17, 1903.

Chapter 182.

An Act to incorporate the Van Buren Sewerage Company.

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

Section 1. Peter C. Keegan, Allen E. Hammond, James Crawford, Arthur Brown, Earl H. Gowing, Henry A. Gagnon, Joseph F. Theriault, Simeon Cyr and Remi Cyr, with their associates, successors and assigns are hereby made a corporation under the name of the Van Buren Sewerage Company for the purpose of providing a system of sewers and drainage for the town and village of Van Buren for the comfort, convenience and health of the people of Van Buren, with all the rights, powers and privileges and immunities incident or properly belonging to such corporations.

Corporators.

—corporate
name.

Section 2. Said corporation may acquire and hold real and personal estate necessary and convenient for the purposes aforesaid not exceeding in amount fifty thousand dollars, may sell and convey the same, may issue certificates of stock to an amount not

May hold real
and personal
estate to
amount of
\$50,000.

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—may issue stock and bonds.

exceeding twenty-five thousand dollars and may issue and sell bonds to the amount of twenty-five thousand dollars secured by mortgage of its works and franchise, to aid in the construction of its works.

May take lands.

Section 3. Said corporation is hereby authorized to take and hold by purchase or otherwise any land or real estate or easement therein necessary for forming basins, reservoirs and outlets, for erecting buildings for pumping works and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters and for any other objects necessary, convenient and proper for the purposes of this act.

May construct conduits into Saint John river.

Section 4. Said corporation may construct conduits, in manner aforesaid in and through said village of Van Buren to and into the Saint John river and its tributaries, the discharge therefrom to be at such point in said river and tributaries as is most convenient, and convey through the same sewerage, surface water and the natural flowage of existing water courses and secure and maintain basins, reservoirs and outlets; may construct and maintain flush tanks, manholes, lampholes and all usual appliances, public and private; may build and maintain pumping stations and buildings, constructions and appliances for collecting, holding, distributing and disposing of sewerage matter, may establish regulations for the use of sewers and fix and collect the prices to be paid for entering the same and also the annual rentals for using thereof, and said corporation is hereby authorized for the purposes aforesaid, having first obtained the permission of the municipal officers of said town and under such restrictions and regulations as said officers may prescribe, to lay down through the streets, highways and lands of said town, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary for the objects of its incorporation; to carry and lay conduits under any watercourse way, public or private, or railroad in the manner prescribed by law, and to cross any drain or sewer or if necessary to change its direction in such manner as not to obstruct the use thereof, and to enter and dig up any such street, road or way, for the purpose of laying pipes beneath the surface thereof, for placing manholes or other fixtures and for maintaining and repairing the same and in general to do any other act or things necessary, convenient and proper to be done for the purpose of this act.

—may construct flush tanks, etc.

—fees for entering sewers.

—may occupy streets.

Easement, filing and record of.

Section 5. Said corporation shall file in the registry of deeds for the northern district of Aroostook county, a certificate containing a description of the land taken, or on which an easement may be taken under the provisions of this act and a statement

of the purposes for which it is taken, to be recorded by the register and such land or easement shall be deemed to be taken upon the filing of such certificate.

Section 6. Such corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land or easement therein, under the provisions of this act; and if any person sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages by the location of railroads.

Damages for taking land.

—how assessed.

Section 7. Said corporation, at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon its lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said company, and payment of the prices and rentals established therefor.

Entrance to sewers by abutters.

Section 8. Any person who shall place or leave any offensive or injurious matter or materials on the conduits, catch basins or receptacles of said corporation, contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, lamp hole, outlet, engine, pump or other property held, owned or used by said corporation for the purposes of this act, shall pay twice the amount of damages to said corporation to be recovered in any proper action; and every such person, on conviction of either of said acts of wilful injury aforesaid, shall be punished by fine not exceeding two hundred dollars and by imprisonment not exceeding one year.

Violations of regulations.

—damages for.

—punishment for.

Section 9. Said corporation shall be liable to any person injured by any fault of said corporation or its agents, or any defect in the highways occasioned by the construction of the works of said company, during said construction or after the same have been completed, or while the same shall be undergoing repairs or extensions are being made; and said corporation shall also be liable to the town of Van Buren for any and all cost, damage and expense which said town may suffer or be put to by reason of the default, neglect, negligence or carelessness of said corporation or of any of its officers, servants or agents.

Injuries to persons during construction or repairs of, shall be liable for.

Section 10. The affairs of said corporation shall be controlled by a board of directors consisting of not less than five members, who shall be citizens of the town of Van Buren, and elected annually by a vote of the stockholders of the corporation, and such board of directors shall choose such other officers as may, from time to time, be required by the by-laws of the corporation.

Board of directors.

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Town may
take over
works of.

—proceed-
ings.

Consideration
when taken
over shall be
fair market
value.

—referees, in
case mutual
agreement
is not had.

Board of
directors.

First meeting,
how called.

Section 11. Should the town of Van Buren, at a meeting duly called for the purpose, vote to take over the works of said company, and at any time subsequent to the first day of January, in the year of our Lord nineteen hundred eight, inform the said company of its intention to take over the said works, then and in that case, the said company will, within sixty days after receipt of notice of such intention of the said town and upon the tender of the fair market value, at the time of the said works including all the rights and franchises of the company, convey and make over to the said town the said sewer works and system in their entirety as they then exist and make, execute, acknowledge and deliver such deeds, conveyances, transfers or other instruments as may be necessary to secure to the town all and every right, title and interest whether in law or in equity which the said company may have in said sewer works and system.

Section 12. Should said sewer works and system be taken over by the town as aforesaid, the consideration to be paid by the town therefor shall be the fair market value of the said works at the time of taking, including the rights and franchises of the said company, as may be agreed upon by the said parties thereto. And should said parties be unable to agree upon the amount to be so paid, the same shall be left to the determination of three persons to be chosen as follows, namely: one who shall not be a lawyer, to be selected by the company; one who shall not be a lawyer, to be chosen by the municipal officers of the town, and another who shall be learned in the law, to be chosen by the chief justice of the supreme court, whose finding in the matter shall be final and conclusive between the parties.

Section 13. The affairs of said corporation shall be controlled by a board of directors consisting of not less than five members, who shall be citizens of the town of Van Buren, and elected annually by a vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may from time to time be required by the by-laws of the corporation.

Section 14. Any two of the persons mentioned in the first section of this act, may call the first meeting of said corporation, by publishing notice therefor two weeks in a newspaper printed in the county of Aroostook.

Approved March 17, 1903.