

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 241.

An Act to supply the town of Lisbon with pure water.

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

Section 1. The town of Lisbon, by its municipal officers or by a commission as hereinafter provided, acting for and in behalf of said town, is authorized and empowered to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, except the springs owned by the Sylvester Aqueduct Company, within the towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part of which is in Topsham, sufficient for domestic purposes in said Lisbon, including a sufficient quantity to extinguish fires, supply hotels, laundries, livery stables, business places and private dwellings, as well as for the sprinkling of lawns and streets, and for manufacturing purposes; and for the purposes aforesaid, to convey any of the waters aforesaid by aqueducts or pipes, sunk to any depth desirable for said purposes, and to lay such aqueducts or pipes under or over any water course, stream, brook, street, railroad, highway or other way, in such manner as not unreasonably to obstruct the same; and to lay down, in and through streets and ways in said town of Lisbon, and take up, replace and repair all such aqueducts, pipes or service pipes, as may be necessary to carry out the purposes of a complete system of water works.

Town of
Lisbon,
authorized
to take water

—may
conduct
water in
pipes.

Section 2. The town of Lisbon, by said municipal officers, or by said commission, may make any necessary contract with any person, company or corporation for acquiring the ownership of any aqueduct company or corporation, owning a system of water works, or any part thereof, in said town of Lisbon, whereby the said town of Lisbon, by its municipal officers or said commission, may be entitled to purchase the whole at any one time, or to purchase the same in installments through a period of years.

May make
contract for
acquisition of
other system
of water
works.

Section 3. For the purpose of carrying out the provisions of this act, said town of Lisbon, by its municipal officers, or said commission, shall have power and is hereby authorized to take and hold by purchase or otherwise, any lands or real estate, excepting the springs owned by the Sylvester Aqueduct Company, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, standpipes and reservoirs, for taking, conducting, conveying, holding, discharging and distributing, and for roadways to be used as approaches thereto, doing no unnecessary damage.

May take
lands.

—exception.

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—may enter on lands for surveys and locations.

—shall file and publish notice of location of land taken.

County commissioners shall assess damages in case of dis-agreement.

May contract for construction.

—may place all or a part of its capital stock in hands of trustee.

Water commissioners.

—election of.

The said town, by its municipal officers, or said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall file in the registry of deeds in the county in which such lands or property lies, plans of such lands and locations, showing the property taken within said county, and within thirty days thereafter shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued three weeks successively, and such filing in the registry of deeds shall be in lieu of any other filing now required by law. Said town of Lisbon, by its municipal officers, or by said commission, may permit the use, for said purposes, of any lands so taken by it, by any person, company or corporation, with which it has made such a contract as is described in section two, whereby the said town of Lisbon may be entitled to acquire the ownership of any aqueduct or system of water works or any part thereof in said town of Lisbon.

Section 4. Should the said town of Lisbon, by its municipal officers or said commission, and the owner of such land be unable to agree upon the damages to be paid for such taking, location and holding, the land owner or the town of Lisbon by its municipal officers, or said commission, may within twelve months after the filing of said plans and location, apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of railroads, so far as such law is consistent with the provisions of this act.

Section 5. The town of Lisbon, by its municipal officers or said commission, is authorized and empowered to contract with any person or corporation to construct aqueducts, pipes, locks, gates, hydrants, dams, standpipes and reservoirs and any other structures necessary for a system of water works, upon lands taken as hereinbefore prescribed. And in case any such company or corporation is organized to construct any such aqueduct, it is empowered to place all or any part of its capital stock in the name of a trustee, or trustees, and to contract that said trustee, or trustees, shall sell and deliver the same to the said town of Lisbon in installments from year to year, as may be agreed upon.

Section 6. For the purpose of carrying into effect the provisions of this act, the town of Lisbon, at a meeting duly called therefor, may as soon as this act takes effect, if it so elects, or at any time thereafter elect by ballot three water commissioners, whose duty it shall be to perform all such acts for the town as

are necessary and convenient for the full operation of this act, and such as may be prescribed by town ordinance or lawfully directed by the municipal officers of said town.

The three persons first chosen, as aforesaid shall serve one —tenure.
for one year, one for two years, one for three years from the date of the annual March meeting, following their election. Their terms of service being designated by the municipal officers of the town of Lisbon, and thereafter one commissioner shall be elected by ballot annually at the annual March meeting, to serve for the term of three years.

The municipal officers of said town of Lisbon may fill any —vacancies,
vacancy occurring by death, resignation or otherwise. Until how filled.
such water commissioners are elected, the municipal officers of said town of Lisbon shall perform the duties of the water commissioners.

Section 7. Said municipal officers of said town of Lisbon, or said water commissioners, in case water commissioners are elected as hereinbefore provided, are authorized to fix the rates for water to be paid monthly, quarterly, semi-annually or annually by persons or corporations supplied with the same, or by the state of Maine if so supplied and in the same manner determine the conditions and methods of such supply, and shall have general charge and control of the town's water system. Municipal officers or water commissioners may fix water rates.

Section 8. Said town of Lisbon, through its municipal officers, or said commission, is authorized for the purpose of carrying into effect the provisions of this act, to dig up and excavate any highway in said town, lay pipes therein, and fill the trenches under the directions of the road commissioner of said town or such person as may be acting in that capacity for the time being. May dig up streets, lay pipes, etc., under direction of road commissioner.

Section 9. Whenever said town of Lisbon, or said trustee, company or corporation of which either may obtain control, as provided in section two, either directly or through ownership of stock, shall, under section one, take water from any of the sources therein named, it shall file in the registry of deeds, in the county in which such source of supply is located, a notice of such taking, describing the size, location and depth of the pipe, or pipes, through which said water is to be taken from said source or sources. Shall file location of water supply.

The said town of Lisbon, or said trustee, company or corporation shall pay all damages sustained by any person or corporation in property, by the taking of any water, water sources, water right, or easement, or by anything done by said town, or by said trustee, company or corporation first named in this section, under the authority of this act, which shall be determined and assessed in the same manner as provided in section four, for land taken under the provisions of this act. —town, liable for damages.
—damages, how assessed.

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May issue
bonds.

Section 10. For the purpose of raising money to carry out the provisions of this act, the town of Lisbon may issue its bonds, with interest coupons, in behalf of said town, signed by the municipal officers of said town, and the treasurer of said town, when authorized by a vote of said town, to an amount which, taken in connection with the other indebtedness of the town, will not exceed the amount limited by the state of Maine. And such bonds shall be signed by the municipal officers of the town and the treasurer of said town, but the coupons need be signed by the treasurer only, and shall be designated "The Lisbon Water Loan."

May put
water in one
village at a
time.

Section 11. Under the provisions of this act the said town of Lisbon, by a majority vote at a meeting called for the purpose or at the regular March meeting, may proceed and put in water works for one village at a time.

Aggregate
amount of
water rates.

Section 12. The rates for the supply of water under this act shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest, and such amounts as the town may determine to be paid annually on the principal expenditures.

May transfer
rights herein
granted, if
town so
votes.

Section 13. In case said town of Lisbon, in a legal town meeting, shall refuse to vote to proceed as a municipality under the rights, powers and authority herein granted, with the work of supplying the town of Lisbon with pure water, or shall fail to take any action in regard to the matter, within a period of one year from the date of the approval of this act, then said town at a legal town meeting called and held for the purpose, or at the annual March meeting, is hereby granted the authority, provided a majority of its legal voters present so vote, to transfer the rights, powers, authority and privileges herein granted to the town of Lisbon, to a corporation which shall be organized for the purpose of supplying said town with pure water.

—terms of
transfer, if
made.

Said transfer to be made upon such terms, and under such conditions, restrictions and limitations as shall be determined by said town in a legal town meeting and W. E. Plummer, H. E. Coolidge, G. W. Curtis, William Parkin, E. T. Smith, A. E. Jordan, C. A. Julia, H. E. Plummer, J. H. Brewster and their associates are hereby constituted a corporation for such purpose of supplying the town of Lisbon with pure water.

May hold real
estate.

Section 14. Said corporation for said purpose may hold real estate not exceeding in value two hundred thousand dollars.

May take
water.

Section 15. Said corporation shall have the right to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, except the springs owned by the Sylvester Aqueduct Company, within said towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part

—exception.

of which is in Topsham, and to convey the same upon such conditions and under such restrictions as are prescribed in section one of this act.

Section 16. Said corporation shall have the right to take lands or real estate, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs, and water works structures, upon such conditions and under such restrictions as are prescribed in section three of this act.

May take lands.

Section 17. Said corporation shall have the right to lay its pipes or aqueducts under or over any water course, street, railroad, highway or other way, and in and through the streets and ways in said town of Lisbon, in such manner, and under such restrictions as are prescribed in section one of this act.

May lay pipes.

Section 18. Said corporation shall have the right to settle damages for the taking and holding of land or real estate, for the location of its pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs and waterworks structures, and their maintenance upon such terms and conditions, and in such manner, as is prescribed in section four of this act.

Damages, how settled.

Section 19. If it shall be necessary for said corporation to lay pipes or aqueducts across or under the tracks or location of any railroad company, and said corporation shall fail to agree with such railroad company, as to place, manner and condition of crossing its railroad, with such pipes or aqueducts, the place, manner and condition of said crossing shall be determined by the railroad commissioners, and all work within the limits of the railroad location shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company, but at the expense of said corporation.

Railroad commissioners shall determine manner of laying pipes across railroad locations.

Section 20. Said corporation shall be responsible for all damages to persons or property, occasioned by the use and occupancy of said streets and ways, for the laying of its pipes and aqueducts and the construction of its locks, gates, hydrants, dams, stand pipes, reservoirs and water works structures, and shall pay to said town all sums recovered against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending suits for such damages.

Liability for damage caused by occupancy of streets.

Section 21. Said town of Lisbon at any time after the expiration of three years from the opening for use and service of a system of water works constructed by said corporation, and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell, to said town, said system of water works, including everything appertaining thereto, and if said town and

Town of Lisbon may purchase plant after three years of opening of water service

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corporation cannot agree upon the terms, upon such terms and at such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

May make contracts for supplying water.

Section 22. Said corporation may make contracts with the state of Maine, the town through which the pipes of the system may be laid, or with the corporations and individuals of said town, for supplying water as contemplated in this act, and said corporation may establish and fix from time to time rates for the use of said water, and collect the same and the town of Lisbon in legal town meeting may authorize its municipal officers to contract for a supply of water for the extinguishment of fires, flushing of sewers or other purposes, for a term of years with said corporation.

Capital stock.

Section 23. The capital stock of said corporation shall not exceed two hundred thousand dollars and may be divided into shares of fifty dollars each.

—may issue bonds.

Section 24. Said corporation may issue bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding in amount the amount of capital stock subscribed for, and secure the same by mortgage on the franchise and property of said corporation.

Charter null and void after two years.

Section 25. If said corporation shall not be organized and have its works in actual operation within two years from the date of approval of this act, the rights and privileges herein granted shall be null and void.

First meeting, how called.

Section 26. The first meeting of said corporation may be called by a notice, signed by any one of the corporators, served upon each corporator, by giving him the same in hand, or by leaving the same at his last and usual place of abode, seven days before the time of meeting.

Section 27. Except as herein otherwise provided, this act shall take effect when approved.

Approved March 24, 1903.