

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 339.

An Act to provide for sewerage in the Town of Stockton Springs.

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

Section 1. Simeon B. Merrithew, Albert M. Ames and Ralph H. Rockwood with their associates, successors, or assigns, are hereby made a corporation by the name of the Stockton Springs Sewer Company, for the purpose of providing in the town and village of Stockton Springs, a system of public sewers and drainage, for the comfort, convenience and health of the people of said Stockton Springs with all the rights, privileges and immunities incident to similar corporations.

Corporators.

—corporate name.

—purpose.

Section 2. Said corporation may acquire and hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount fifty thousand dollars; may sell and convey the same; may issue certificates of stock to an amount not exceeding the amount of its capital stock, and may issue and sell bonds to an amount not exceeding the amount of its capital stock to aid in the construction of works.

May acquire real and personal estate.

—may issue stock.

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 object necessary, convenient and proper for the purpose of this act.

May take land for reservoirs, etc.

Section 4. Said corporation may construct conduits, in manner aforesaid, in and through said village of Stockton Springs, to and into the Penobscot river and Stockton harbor, the discharge therefrom to be at such points as the municipal officers of said town may designate, and convey through the same sewage, 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, lamp-holes, and all usual 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 rental for using thereof; and said corporation is hereby authorized for the purposes aforesaid, under permission of the municipal officers of said town, and under such restrictions and regulations as said municipal officers have prescribed, to lay down, in and through the streets, highways and lands of

May construct conduits in Stockton Springs.

—construct flush tanks, etc.

—establish regulations for use of sewers, etc.

—lay pipes through streets, under restrictions of municipal officers.

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—may cross, but shall not obstruct water courses, etc.

said town, and take up, replace and repair all such conduits, pipes and fixtures, as may be necessary for the objects of its corporation; to carry and lay conduits, and pipes under any water course, railway or private way, and to cross any drain or sewer, or, if necessary to change its direction in such a 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 down 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 purposes of this act.

Shall file description of land taken in registry of deeds.

Section 5. Said corporation shall file in the registry of deeds for Waldo county, a certificate containing a description of land taken, or in 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 registry; and such land or easement, shall be deemed to be taken upon the filing of said certificate.

Liability for damages.

Section 6. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by taking of any land, or easement therein, under the provisions of this act; and if any person sustaining damage as aforesaid, and said corporation shall not mutually agree upon the sum to be paid thereof, 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.

Shall permit entrance to sewers.

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.

Penalty for injury to property of company.

Section 8. Any person who shall place or leave any offensive or injurious matter or materials in 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 a fine not exceeding

two hundred dollars, and by imprisonment not exceeding one year.

Section 9. The affairs of said corporation shall be controlled by a board of directors, consisting of not less than three members, two-thirds of whom shall be citizens of the town of Stockton Springs, and elected annually by vote of the stockholders of the corporation; and the board of directors shall choose such officers as may, from time to time, be required by the by-laws of the corporation.

Board of directors.

Section 10. Any one of the persons mentioned in the first section of this act, may call the first meeting of said corporation by giving one week's notice to each of the others.

First meeting, how called.

Section 11. Should the town of Stockton Springs, 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 ten, 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.

Proceedings in case town votes to take over works of company.

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.

Consideration shall be fair market value of works.

-if parties disagree, amount to be paid, how determined.

Section 13. This act shall take effect when approved.