

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 292

Whoever violates any of the provisions of this act shall be subject to the same penalty as is provided in the general law of the state for the illegal fishing for and catching trout and land-locked salmon.

—penalty.

Section 2. In all prosecutions under this act, municipal and police courts and trial justices within their respective counties shall have original and concurrent jurisdiction with the supreme judicial and superior courts, and all fines, forfeitures and penalties received for any violation of this act shall be paid forthwith by the person receiving the same to the state treasurer, and credited to fines and license fees for the protection of birds and game.

Jurisdiction of courts.

—fines, how disposed of.

Approved March 24, 1909.

Chapter 292.

An Act to ratify, confirm and make valid the organization of the Mexico Water Company, and authorize it to issue bonds and extend its plant.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The organization of the Mexico Water Company, a corporation duly organized and existing under the laws of the state of Maine, is hereby ratified, confirmed and declared to be legal and valid.

Organiza-
tion made
valid.

Section 2. The purposes of said corporation are to supply the inhabitants of Mexico with pure water for domestic, sanitary and municipal uses, including the extinguishment of fires.

Purposes.

Section 3. Said corporation, for the purposes of its incorporation, is hereby authorized to take, collect, store, divert, use and distribute the water from any brook, stream, lake or pond tributary to Swift river, in the town of Mexico.

Source of
water sup-
ply.

Section 4. Said corporation is hereby authorized to lay down, in and through the streets and ways in said town of Mexico, and to take up, replace and repair, all such pipes, aqueducts, conduits, hydrants and fixtures as may be necessary for the purposes of its organization; to carry and lay any conduit, aqueduct and pipes under any water course, public or private way, or railroad or electric railroad, in said town, in the manner prescribed by law, and to cross any sewer or drain, or, if necessary, to change its direction in such manner as not to obstruct the use thereof; and to take up any such roads and ways for the purpose of laying down pipes, conduits or aqueducts beneath the surface thereof, for placing manholes, hydrants or other fixtures, or for maintaining and replacing the same under such reasonable restrictions as may be imposed by

May lay
pipes
through
streets
and ways.

—replace
and repair
same.

—lay pipes
under any
water
course,
railroad, etc.

—may cross,
but shall
not obstruct,
sewers and
drains.

CHAP. 292

—liable for damages.

May take and hold necessary lands within town of Mexico.

—shall not take property except by purchase.

—may enter on lands to make surveys, and shall file plans of location and lands in registry of deeds.

—may file statement of damages willing to pay for property taken.

Proceedings for the assessment of damages, if parties fail to agree.

the selectmen of said town. And said corporation shall be responsible for all damages to persons and property occasioned by the use of said streets and highways; and shall further be liable to pay to said town all sums recovered against said town for damages for obstructions caused by said corporation.

Section 5. Said corporation is hereby authorized to take and hold, by purchase or otherwise, any lands or other real estate within the town of Mexico necessary for any of the purposes of its incorporation; and also for the protection of the water shed or any sources of supply of water which it may have, take or acquire under the authority of this charter. Said corporations shall not, under the provisions of this charter, take any real estate now owned by the town of Mexico, nor any water system, aqueduct or extension of the same now owned by any citizen of the town of Mexico, except by purchase. It may enter upon such lands, make surveys and locations, and shall file in the registry of deeds for the county of Oxford plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. And with such plans said corporation may file a statement of the damages it is willing to pay for any property so taken, and if the amount finally awarded does not exceed that sum the corporation shall recover costs against such parties; otherwise such parties shall recover costs against said corporation.

Section 6. Should the said corporation and the owner of any land required for the said purposes of said corporation, be unable to agree upon the damages to be paid for such location, taking, holding, and construction, the land owner may, within twelve months after the said filing of plans or location, apply to the commissioners of said county of Oxford, 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 railroads. If the said corporation shall fail to pay said landowner, or deposit for his use with the clerk of the county commissioners aforesaid, such sums as may be finally awarded as damages, with cost when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of the said county, the said location shall be thereby invalid and the said corporation shall forfeit all rights under the same, as against the owner of the land. The said corporation may begin to occupy such land for its corporate purposes before rendition of final judgment, and in such case the landowner may require the said corpora-

tion to file its bond to him with the said county commissioners in such sum and with such sureties as they may approve, conditioned for the payment of the damages that may be awarded. 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 the same.

—failure to apply for damages.

Section 7. Said corporation is hereby authorized to make contracts with other corporations, individuals, the town of Mexico and any village corporation in the town of Mexico, for the purpose of supplying water as contemplated by the purposes of this organization. And said town of Mexico, by its selectmen, and any village corporation by its assessors, is hereby authorized to enter into contracts with said corporation, for the supply of water for public uses, on such terms and for such time as the parties may agree, which, when made, shall be legally binding upon all the parties thereto.

May make contracts for supplying water.

Section 8. Said corporation is hereby authorized to issue its bonds, secured by mortgage on its property and franchises, or any part thereof, from time to time, and in such amounts as it may determine necessary. Provided the aggregate of such issues shall not exceed the amount of capital stock issued. And the said corporation may take and hold stock in other corporations and may dispose of the same in any lawful manner.

May issue bonds and mortgage property.

—proviso.

Section 9. At any time after ten years from the time when this act shall take effect the town of Mexico or any water district within or including the town of Mexico, if the inhabitants thereof shall so vote at any general election or at any election especially called for that purpose, shall have the right to purchase the system of water works constructed by the Mexico Water Company, together with its franchises, rights, powers and privileges, at a price to be agreed upon between said company and said town or water district; and if such price cannot be agreed upon then at a price to be determined by a commission of three competent and disinterested men who shall be appointed by any justice of the supreme judicial court on petition therefor by the selectmen of said town or the officers of said water district. The award of said commissioners shall be binding upon the town or water district and said Mexico Water Company, and said town or water district shall pay the amount of such award for said system of water works and franchises within six months from the date when such award shall be rendered. The cost of said commission shall be borne equally by said company and said town or water district.

After ten years, town of Mexico, or any water district within said town may take over system of water works, proceedings.