

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

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money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

Section 10. All the incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to the corporation hereby created.

Incidental powers granted.

Section 11. This act shall take effect when accepted by a majority vote of the legal voters within said water district, at a meeting to be specially called and held for the purpose on or before the first day of August, in the year nineteen hundred and eleven, and the selectmen of the town of Bingham are hereby authorized to call said meeting, and to make and provide a separate check list of such of the voters (within said water district as are then legal voters) of said town, and all warrants issued to said town shall be varied accordingly to show that only such voters within said district are entitled to vote thereon. Such special meeting shall be called, advertised and conducted according to the law relating to municipal election, provided, however, that the board of selectmen shall not be required to prepare, or the town clerk to post a new list of voters.

Act to take effect when accepted by major vote of legal voters of water district.

—special meeting, how called.

The town clerk shall reduce the subject matter of this act to the following question: Shall the act to incorporate the Bingham Water District be accepted? and the voters shall indicate by a cross placed against the words, Yes, and No, their opinion of the same. The result shall be declared by the selectmen of Bingham, and due certificate thereof filed by the town clerk with the secretary of state. This act shall take effect when approved by the governor so far as is necessary to empower the calling and holding of such meeting.

—form of question to be submitted to voters.

Approved February 15, 1911.

### Chapter 14.

An Act to incorporate the Bingham Water Company.

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

Section 1. Samuel A. Smith, Henry Cooley, Orison Gordon, Albert F. Donigan, Forrest H. Colby, Arthur C. Dinsmore, Fred H. Preble, Ray C. Brown, Walter E. Robinson, Will Robinson and Harold I. Goss, with their successors and associates, are hereby made a body corporate by the name of the Bingham Water Company, for the purpose of conveying to, and supplying the inhabitants of the towns of Bingham and Concord with water for all domestic, sanitary, municipal and commercial pur-

Corporators.

—corporate name.

—purposes.

**CHAP. 14**

poses, with all the rights and privileges, and subject to the liabilities and obligations of similar corporations under the general laws of this state.

May hold property not exceeding \$100,000 in value.

Section 2. Said corporation may take and hold by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid and not exceeding one hundred thousand dollars.

Sources of water supply.

Section 3. For any of the purposes aforesaid, or for the preservation and purity of said water, said corporation is hereby authorized to take and use water from Jackson pond, so-called, in the town of Concord, or from Austin stream in said Bingham or in the town of Moscow, or from the Kennebec river, to conduct and distribute the same into and through the towns of Bingham and Concord; to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts over or under any water course, bridge, street, railroad, highway or other way; and said corporation is further authorized to enter upon and excavate any highway or other way in such manner as least to obstruct the same; to enter, pass over and excavate any lands, and in general to do any acts necessary, convenient and proper for the carrying out any of the purposes hereinbefore specified. And said corporation is further authorized, for the purpose of making all needed repairs or sevice connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same and dig therein; and the said corporation may establish written regulations for the use of said water, and change the same from time to time.

—erect dams and reservoirs.

—lay pipes over or under water courses, streets and bridges.

—lay pipes through public or private lands.

Plans shall be filed in registry of deeds of Somerset county of all land taken.

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

Section 4. Said corporation shall file in the registry of deeds in the county of Somerset, plans of the location of all land and water rights taken under the provisions of this act; and no entry shall be made upon lands, except to make surveys, until the expiration of ten days from said filing; and with such plan the corporation may file a statement of the damages it is willing to pay to any person for any property thus taken, and if the amount finally awarded does not exceed that sum, the corporation shall recover costs against said person, otherwise such person shall recover costs against the corporation.

Corporation shall be liable for all damages.

Section 5. Said corporation shall be held to pay all damages that shall be sustained by any person or persons, to themselves or their property, occasioned by the use of said streets and ways, and shall pay to said towns all sums recovered against said towns of Bingham and Concord from obstructions occasioned by said corporation, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with

interest on the same, but said corporation may assume the defense of suits brought for damages as aforesaid; and also for all damages sustained by any person or persons by the taking of any lands, water, rights of way, or other property, or by excavating through any land for the purpose of surveying, locating, laying or building dams, reservoirs, pipes and aqueducts, and for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid shall not agree with said corporation upon the sum to be paid therefor, either party, upon petition to the county commissioners of Somerset county, within twelve months after said plans are filed, may have said damages assessed by them, and subsequent proceedings, and rights 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.

—damages, how assessed, if parties fail to agree.

—waiver.

Section 6. Said corporation is hereby authorized to lay down and maintain in and through the streets and ways of the towns aforesaid all said pipes, aqueducts, and fixtures as may be necessary for the purposes hereinbefore specified.

May lay pipes in and through streets and ways.

Said towns of Bingham and Concord are hereby authorized to contract with said corporation for a supply of water for fire or other purposes, for a term of years, and at the expiration of such contract to renew or change the same.

—towns may contract for supply of water.

Section 7. Said town of Bingham, or any quasi public service corporation, chartered as a water district in said town of Bingham, or composed of parts of said towns of Bingham and Concord, in said county of Somerset, at any time after the expiration of five 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, or a vote passed at a meeting of said water district, shall have the right to purchase, and by this act said corporation is required to sell to said town or to said water district, said system of water works including everything therewith, together with the franchise of said corporation, at a price to be agreed upon between said company and said town, or said water district, and if said price cannot be agreed upon, then at a price which shall be determined by a commission of three competent and disinterested men to be appointed by the chief justice of the supreme judicial court of Maine.

Conditions under which water works may be purchased by town or water district.

—if parties fail to agree price to be fixed by commission appointed by chief justice of S. J. court.

The award of said commission shall be binding upon said company and said town or water district, and said town or water district shall pay the amount of said award for said sys-

—award of commission shall be binding.

**CHAP. 15**

—cost of com-  
mission, how  
borne.

tem of water works and franchise within ninety days from the date when such award shall be rendered. The costs of said commission shall be borne equally by said company and said town or water district.

Capital stock.

Section 8. The capital stock of said corporation shall not exceed seventy-five thousand dollars.

First meet-  
ing, how  
called.

Section 9. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators named herein, 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 at least before the time of meeting.

Corporation  
may issue  
bonds.

Section 10. Said corporation is hereby authorized to issue bonds, not to exceed in amount one-half of its capital stock, the same to be a first lien upon its franchises and property.

—when this  
act becomes  
null and  
void.

This act shall become null and void if a charter is granted, at this present session of the legislature, for the incorporation of a water district in said town of Bingham, and the same is accepted by the voters of said proposed district; or if this corporation shall not have organized and commenced the construction of its works under this charter within two years from the time when the same shall take effect.

Approved February 15, 1911.

### Chapter 15.

An Act to extend the Charter of the Sagamore Insurance Company.

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

Charter ex-  
tended for  
two years.

The rights, powers and privileges of the Sagamore Insurance Company, which were granted by chapter eighty-seven of the private and special laws of one thousand nine hundred and nine, are hereby extended for two years from the approval of this act; and the persons named in said act, their associates and successors, shall have all the rights, powers and privileges that were granted them by said act, to be exercised in the same manner and for the same purposes as specified in said act.

Approved February 15, 1911.