

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

vided for in section two of this act, and an annual report of the same in detail shall be made to the governor and council.

Section 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

Approved February 28, 1911.

Chapter 58.

An Act to incorporate the Bluehill Water Company.

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

Section 1. Forrest B. Snow, Harvey H. McIntyre, Roscoe De Long, their associates, successors and assigns, are hereby made a corporation by the name of the Bluehill Water Company, for the purpose of supplying the town of Bluehill, in the county of Hancock, and the inhabitants of said town, with pure water for domestic, sanitary, municipal and public purposes, including extinguishment of fires.

Corporators.

—corporate name.
—purposes.

Section 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, except such springs as are in actual use for domestic purposes, ponds, streams, or other water sources, in said Bluehill, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

May take and store water.

—maintain reservoirs, etc.

Section 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said town may impose. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and further shall be liable to pay to said town all sums recovered against said town for damages for obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said company shall have notice of such suits and opportunity to defend the same.

May lay pipes along and across streets, bridges, etc.

—shall be responsible for damages to persons and property.

—for expenses and counsel fees.

Section 4. Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use

May cross water courses and sewers, but shall not obstruct same.

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—shall not obstruct public travel.

thereof, and it shall be liable for any injury caused thereby. Whenever said company shall lay down any fixtures in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

May take and hold waters as limited by section 2 of this act.

Section 5. Said company may take and hold any waters as limited in section two, and also any lands necessary for reservoirs, and other necessary structures, and may locate, lay and maintain aqueducts, pipes, hydrants and other necessary structures and fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and location, and shall file in the registry of deeds for said county of Hancock, plans of such location 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.

—lay pipes, etc.

—may enter lands to make surveys and shall file plans of same.

Damages, how assessed if parties fail to agree.

Section 6. Should said company and the owner of such lands so taken be unable to agree upon the damages to be paid for such location, taken, holding and construction, the damages shall be assessed in accordance with the laws applicable to the assessment of damages for ways taken by railroads, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be hereby invalid, and said company forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or de-

—proceedings if company fails to pay within certain time.

—company may make tender.

—land owner may require company to file bond.

posit as aforesaid. Failure to apply for damages within three years by the land owner, shall be held to be a waiver of the same.

Section 7. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment thereof shall be made in the same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

Damages for taking water, how assessed.

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Bluehill or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Bluehill by its selectmen, or any such village corporation by its assessors, is hereby authorized to enter into contract with said company for a supply of water for public uses, on such terms and for such time as the parties may agree, which when made, shall be legal and binding on all parties thereto, and said town of Bluehill for this purpose may raise money in the same manner as for other town charges.

Corporation may make contracts for supplying water.

—town may make contract for supply of water.

Section 9. Said company for all its said purposes, may hold real and personal estate necessary and convenient therefor.

Company may hold necessary property.

Section 10. The capital stock of said company shall be twenty-five thousand dollars, which may be from time to time increased by vote of said company not to exceed fifty thousand dollars, and shall be divided into shares of ten dollars each.

Capital stock.

Section 11. Said company may issue its bonds for the construction of its works and for other purposes of its incorporation of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding the amount of the capital stock subscribed for, and secure the same by mortgage of its franchise and property.

May issue bonds and mortgage property.

Section 12. The first meeting of said company may be called by written notice thereof signed by any of the corporators herein named, served upon each of the other corporators by giving him the same in hand, or by leaving the same at his last usual place of abode, or by mailing the same to him at his last known residence or place of business, or by publishing the same in some newspaper in the county of Hancock at least seven days before the time of such meeting.

First meeting, how called.

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Water works subject to be taken over after five years.

—at a price to be agreed upon.

—price how fixed if parties fail to agree.

—award of commissioners shall be binding.

Conditions under which this act shall be null and void.

Section 13. Said town of Bluehill, or any village corporation within the limits of said town of Bluehill, 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 company and after a vote in a legal meeting to that effect has been passed, shall have the right to purchase, and by this act said company is required to sell to said town, or said village corporation, said system of water works, together with the franchises of this company relating thereto, for such price as may be agreed upon by said town, or said village corporation, and said company. And should said parties be unable to agree upon the amount the same shall be determined by a commission of three competent and disinterested men, one of whom shall be selected by said company, one by said town of Bluehill, or by said village corporation, and the third by the two so selected if they can agree, if not, then by the chief justice of the supreme judicial court of Maine. The award of said commissioners, not less than cost, shall be binding upon said company and said town, or village corporation, and said town or village corporation shall pay the amount of said award for said system of water works and franchises within ninety days from the date when such award shall be rendered. The costs of said commission shall be borne equally by the said company and said town or village corporation.

Section 14. It is expressly provided as a condition to the granting of this charter that unless actual work of constructing a system of water works in Bluehill is commenced in good faith on or before December fifteenth, nineteen hundred and twelve, this act shall be null and void. And all rights granted under it shall cease and determine, and no application shall be made to the next legislature for its renewal; and that in case of such failure to commence actual construction the granting of this charter shall not be regarded as a bar to the renewal by the next legislature of the charter granted to the corporation called "Blue Hill Water Company" incorporated by chapter three hundred and fifty-three of the private and special laws for the year eighteen hundred and eighty-nine and amendments thereof and additions thereto.

Approved February 28, 1911.