

# MAINE STATE LEGISLATURE

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## PART 7

## WATER AND WATER DISTRICTS

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## CHAPTER 261

## AQUEDUCTS AND WATER COMPANIES

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## § 3201. Meetings of proprietors for incorporation

Any persons associated by agreement in writing as proprietors of an aqueduct for conveying fresh water into or within any town, or as proprietors of funds for establishing such aqueduct, may apply in writing to some justice of the peace for the county in which any portion thereof is situated or is proposed to be made, stating the name and style of their association and the objects of their proposed meeting, and requesting such justice to issue his warrant to some one of the persons applying, directing him to call such meeting. Such justice may thereupon issue his warrant accordingly, stating therein the time, place and object of such meeting. The proprietor to whom the warrant is directed shall notify such meeting by posting the substance of the warrant, with his notice annexed thereto, 7 days at least before the meeting, in some

public place in every town in which any portion of the aqueduct is or is proposed to be made.

R.S.1954, c. 52, § 1.

### **§ 3202. Proceedings**

The proprietors assembled under such warrant and their successors and assigns shall be a corporation by the name stated in their application; and may at any legal meeting agree on the manner of calling future meetings; choose any number of directors and other officers to manage their business, and a clerk who shall be sworn and shall record all bylaws, votes and other proceedings of the corporation, in books provided and kept by him therefor, open to the inspection of any person appointed by the Legislature for that purpose.

R.S.1954, c. 52, § 2.

### **§ 3203. Authority of directors; enforcement of assessments**

The directors shall choose one of their number president and may make such assessments on the proprietors of the shares in such aqueduct or funds as they find necessary. If a proprietor fails to pay such assessment for 30 days after notice, they may maintain a civil action in their corporate name to recover the amount thereof or may sell, at auction, so many of his shares as are sufficient to pay the same, with necessary charges. Notice of the sale of such shares shall be given by advertising in some newspaper printed in the county 3 weeks successively, or by posting notifications thereof, 20 days at least before the sale, in at least 2 public places in each town wherein such aqueduct is, or is proposed to be made. The surplus money, if any, arising from such sale shall be paid to the owner of the share so sold.

R.S.1954, c. 52, § 3; 1961, c. 317, § 129.

### **§ 3204. Registry of shares and transfers**

At or immediately after the first meeting, the clerk shall enter in such books the names of the several proprietors and the shares owned by each. The subsequent transfer of shares shall be entered by him within 3 months after it is made in such form and for such fees as the directors order. No person shall be deemed a proprietor whose share or interest is not so entered.

R.S.1954, c. 52, § 4.

**§ 3205. Powers of proprietors; manner of voting**

The proprietors have one vote for each share and may vote by proxy. For the breach of their bylaws they may impose penalties not exceeding \$30 for each offense; may purchase and hold real estate necessary for their purpose not exceeding \$30,000 in value; and with the written consent of the municipal officers they, or any person, may dig up or open any road for the purpose of laying their pipes or repairing or extending their aqueduct; but not so as to prevent the convenient passage of teams, carriages and motor vehicles.

R.S.1954, c. 52, § 5; 1957, c. 397, § 33.

**§ 3206. Attachment and execution; possessions; redemption; revival of judgment**

Shares in such corporations are personal estate and may be attached on a writ and sold on execution for the debts of the holders, like shares in other corporations. The franchises, fixtures, pipes, fountains and interests in lands of such corporations are liable to attachment and sale on execution, as personal property, for their corporate debts; but the purchaser thereof at such sale shall not interfere with the possession of the corporation for 2 months after the sale. Within that time, it may redeem such franchise and property by paying the sum for which they were sold with interest; but if not so redeemed, the purchaser shall have the same rights under the franchise and to such property as the corporation had. Any creditor of such corporation, whose execution has been satisfied by an ineffectual sale of such franchise or property, may revive the judgment by motion.

R.S.1954, c. 52, § 6; 1959, c. 317, § 25.

**§ 3207. Town may use pipes in case of fire**

A town where such aqueduct is located may put conductors into its pipes and draw water, free of expense, to extinguish fire in a burning building, if such conductors are so secured that water shall be drawn for that purpose only.

R.S.1954, c. 52, § 7.

**§ 3208. Construction of powers after dissolution; enforcement of judgment**

All contracts made by or with such corporation are in force after its dissolution. The last shareholders shall have a corporate

capacity and may prosecute and defend suits respecting such contracts, commenced within 6 years after the dissolution or after the cause of action accrued. If no corporate property can be found to satisfy such judgments, and they are not satisfied within 6 months, the creditors may satisfy them from the private property of the shareholders as if the judgment had been against them in their private capacity.

R.S.1954, c. 52, § 8.

**§ 3209. Proprietors are tenants in common of remainder**

If such corporation owns any estate at its dissolution, the proprietors shall be tenants in common thereof in proportion to the shares or interest which they hold in its stock.

R.S.1954, c. 52, § 9.

**§ 3210. Injury to aqueduct penalized**

Whoever maliciously injures such aqueduct or any of its appurtenances forfeits not more than \$20 to the town, to be recovered by indictment, and is liable in a civil action, brought by the corporation, to pay treble the amount of the damages sustained thereby.

R.S.1954, c. 52, § 10.