

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty - Second Legislature.

HOUSE.

No. 14.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to amend chapter two hundred and twelve
of the Private and Special Laws of the year 1880,
entitled "an act to incorporate the Artesian Water
Company."

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

Chapter two hundred and twelve of the
2 Private and Special Laws of eighteen hundred
3 and eighty is hereby amended by striking out all
4 of said chapter after the word "name," in the fifth
5 line, and inserting instead thereof, the following :
6 'Of the Camden and Rockland Water Company
7 —For the purpose of conveying to and supplying
8 the towns of Camden, Thomaston, South Thom-

9 aston and the city of Rockland, with pure water
10 for domestic and municipal purposes, the extin-
11 guishment of fires, supplying of shipping and the
12 use of manufactures.'

'SECT. 2. Said corporation, for said purposes,
2 may hold real and personal estate necessary and
3 convenient therefor, not exceeding in amount one
4 hundred and fifty thousand dollars.

'SECT. 3. Said corporation is hereby authorized,
2 for the purposes aforesaid, to take, detain and use
3 the water of Oyster River Pond and all streams
4 tributary thereto in the town of Camden; and is
5 also authorized to erect, maintain dams and res-
6 ervoirs, and lay down and maintain pipes and
7 aqueducts necessary for the proper accumulating,
8 conducting, discharging, distributing and dispos-
9 ing of water, and forming proper reservoirs thereof;
10 and said corporation may take and hold, by pur-
11 chase or otherwise, any lands or real estate neces-
12 sary therefor, and may excavate through any lands
13 where necessary for the purposes of this incorpo-
14 ration.

'SECT. 4. Said corporation shall be held liable to
2 pay all damages that shall be sustained by any
3 persons by the taking of any land, or other prop-
4 erty, or by flowage, or by excavating through any

5 land for the purpose of laying down pipes and
6 aqueducts, building dams and reservoirs, and also
7 damages for any other injuries resulting from said
8 acts; and if any person sustaining damages as
9 aforesaid, and said corporation, shall not mutually
10 agree upon the sum to be paid therefor, such per-
11 son may cause his damage to be ascertained in the
12 same manner and under the same conditions, re-
13 strictions and limitations as are by law prescribed
14 in the case of damages by the laying out of high-
15 ways.

‘SECT. 5. The capital stock of said corporation
2 shall be fifty thousand dollars, which may be in-
3 creased to one hundred and fifty thousand dollars
4 by a vote of said corporation, and said stock shall
5 be divided into shares of one hundred dollars
6 each.

‘SECT. 6. Said corporation is hereby authorized
2 to lay down in and through the streets and ways
3 in said towns of Camden, Thomaston, South
4 Thomaston and the city of Rockland, and to take
5 up, replace and repair all such pipes, aqueducts
6 and fixtures as may be necessary for the purposes
7 of their incorporation, under such reasonable re-
8 strictions as the selectmen of said towns and the
9 mayor and aldermen of said city may impose.

10 And said corporation shall be responsible for all
11 damage to persons and property occasioned by the
12 use of such streets and ways, and shall further be
13 liable to pay to said towns and city all sums re-
14 covered against said towns and city for damages
15 from obstruction caused by said corporation, and
16 for all expenses, including reasonable counsel fees,
17 incurred in defending such suits, with interest on
18 the same.

'SECT. 7. Said corporation is hereby authorized
2 to make contracts with the United States, and with
3 corporations and inhabitants of towns and city
4 through which the pipes of the company may be,
5 or shall hereafter be located for the purposes of
6 supplying water as contemplated by said act; and
7 the municipal officers of any town or city in which
8 the pipes of this corporation shall be laid are
9 hereby authorized to enter into contracts with said
10 company for a supply of water, and for such ex-
11 emption from public burden as the towns and city
12 herein named and said company may agree, for a
13 term of years, which, when made, shall be legal
14 and binding upon all parties thereto.

'SECT. 8. Said corporation may declare dividends
2 on its capital stock, not exceeding six per cent per
3 annum ; if there should be a surplus of receipts

4 or income, after paying operating expenses, sala-
5 ries, repairs and interest on the bonds and notes
6 of the company, said surplus may be applied to re-
7 duction of water rates or to extensions and altera-
8 tions of its pipes and appurtenances.

'SECT. 9. Said corporation shall have power to
2 cross any private or public sewer or to change
3 the direction thereof, where necessary for the
4 purpose of their incorporation, but in such manner
5 as not to obstruct or impair the use thereof; and
6 said corporation shall be liable for any injury
7 caused thereby; whenever the company shall lay
8 down any pipe in any street, or make any altera-
9 tions or repairs upon its works in any streets, it
10 shall cause the same to be done with as little
11 obstruction to public travel as may be practicable,
12 and shall, at its own expense, without unneces-
13 sary delay cause the earth and pavements, re-
14 moved by it, to be replaced in proper condition.

'SECT. 10. Any person who shall wilfully injure
2 any of the property of said corporation, or who
3 shall knowingly corrupt the waters of said
4 Oyster River Pond or any of its tributary streams
5 in any manner whatever, or render them impure,
6 whether the same be frozen or not, or who shall
7 throw the carcasses of dead animals or other

8 offensive matter into said waters, or who shall
9 wilfully destroy or injure any dam, reservoir,
10 aqueduct, pipe, hydrant or other property held or
11 owned by said corporation for the purpose of this
12 act, shall be punished by a fine not exceeding one
13 thousand dollars or by imprisonment not less than
14 one year, and shall be liable to said corporation
15 for three times the actual damage, to be recovered
16 in any proper action.

‘SECT. 11. Said corporation may issue bonds for
2 construction of its works, upon such rates and
3 time as it may deem expedient, not exceeding the
4 sum of one hundred and fifty thousand dollars
5 and secure the same by mortgage of the franchise
6 and property of said company.

‘SECT. 12. The first meeting of said corporation
2 may be called by a written notice thereof signed
3 by any three corporators herein named, served
4 upon each corporator by giving him the same in
5 hand or by leaving the same at his last usual place
6 of abode, seven days before the time of meeting.

‘SECT. 13. This act shall take effect when ap-
2 proved.’

So that said chapter as amended shall read as fol-
2 lows:

'SECTION 1. Davis Tillson, Amos F. Crockett,
2 Thomas W. Hix, Michael A. Achorn, William S.
3 White, George W. Kimball, Jr., and William H.
4 Glover, with their associates and successors, are
5 incorporated into a body politic by the name of
6 the Camden and Rockland Water Company,
7 for the purpose of conveying to and supplying
8 the towns of Camden, Thomaston and South
9 Thomaston and the city of Rockland with pure
10 water for domestic and municipal purposes, the
11 extinguishment of fires, supplying of shipping
12 and use of manufactures.

'SECT. 2. Said corporation for said purposes,
2 may hold real and personal estate necessary and
3 convenient therefor, not exceeding in amount one
4 hundred and fifty thousand dollars.

'SECT. 3. Said corporation is hereby authorized,
2 for the purposes aforesaid, to take, detain and use
3 the water of Oyster River Pond and all streams
4 tributary thereto in the town of Camden, and is
5 also authorized to erect, maintain dams and reser-
6 voirs, and lay down and maintain pipes and aque-
7 ducts necessary for the proper accumulating, con-
8 ducting, discharging, distributing and disposing
9 of water and forming proper reservoirs thereof;
10 and said corporation may take and hold by pur-

11 chase or otherwise, any lands or real estate neces-
12 sary therefor, and may excavate through any lands
13 where necessary for the purposes of this incor-
14 poration.

‘SECT. 4. Said corporation shall be held liable
2 to pay all damages that shall be sustained by any
3 persons by the taking of any land or other prop-
4 erty, or by flowage, or by excavating through any
5 land for the purpose of laying down pipes and
6 aqueducts, building dams and reservoirs, and also
7 damages for any other injuries resulting from said
8 acts; and if any person sustaining damages afore-
9 said, and said corporation shall not mutually agree
10 upon the sum to be paid therefor, such person may
11 cause his damage to be ascertained in the same
12 manner and under the same conditions, restrictions
13 and limitations as are by law prescribed in the
14 case of damages by the laying out of highways.

‘SECT. 5. The capital stock of said corporation
2 shall be fifty thousand dollars, which may be in-
3 creased to one hundred and fifty thousand dollars
4 by a vote of said corporation, and said stock shall
5 be divided into shares of one hundred dollars each,

‘SECT. 6. Said corporation is hereby authorized to
2 lay down, in and through the streets and ways in
3 said towns of Camden, Thomaston, South Thom-

4 aston and the city of Rockland, and to take up,
5 replace and repair all such pipes, aqueducts and
6 fixtures as may be necessary for the purposes of
7 their incorporation, under such reasonable restric-
8 tions as the selectmen of said towns and the
9 mayor and aldermen of said city may impose; and
10 said corporation shall be responsible for all damage
11 to persons and property occasioned by the use of
12 such streets and ways, and shall further be liable
13 to pay to said towns and city all sums recovered
14 against said towns and city for damages from
15 obstruction caused by said corporation, and for all
16 expenses, including reasonable counsel fees, in-
17 curred in defending such suits, with interest on
18 the same.

'SECT. 7. Said corporation is hereby authorized
2 to make contracts with the United States and with
3 corporations and inhabitants of towns and city
4 through which the pipes of the company may be,
5 or shall hereafter be located for the purposes of
6 supplying water as contemplated by said act; and
7 the municipal officers of any town or city in which
8 the pipes of this corporation shall be laid are here-
9 by authorized to enter into contract with said com-
10 pany for a supply of water, and for such exemption

11 from public burden as the towns and city herein
12 named and said company may agree for a term of
13 years which, when made, shall be legal and binding
14 upon all parties thereto.

‘SECT. 8. Said corporation may declare dividends
2 on its capital stock, not exceeding six per cent per
3 annum; if there should be a surplus of receipts
4 or income after paying operating expenses, salaries,
5 repairs and interest on the bonds and notes of the
6 company, said surplus may be applied to reduction
7 of water rates or to extensions and alterations of
8 its pipes and appurtenances.

‘SECT. 9. Said corporation shall have power to
2 cross any private or public sewer or to change the
3 direction thereof where necessary for the purposes
4 of their incorporation, but in such manner as not
5 to obstruct or impair the use thereof; and said cor-
6 poration shall be liable for any injury caused
7 thereby; whenever the company shall lay down
8 any pipes in any street, or make any alterations or
9 repairs upon its works in any streets, it shall cause
10 the same to be done with as little obstruction to
11 public travel as may be practicable, and shall, at
12 its own expense, without unnecessary delay, cause
13 the earth and pavements, removed by it, to be re-
14 placed in proper condition.

'SECT. 10. Any person who shall wilfully injure
2 any of the property of said corporation, or who
3 shall knowingly corrupt the waters of said Oyster
4 River pond, or any of its tributary streams, in any
5 manner whatever, or render them impure, whether
6 the same be frozen or not, or who shall throw the
7 carcasses of dead animals or other offensive matter
8 into said waters, or who shall wilfully destroy or
9 injure any dam, reservoir, aqueduct, pipe hydrant
10 or other property, held or owned by said corpora-
11 tion, for the purposes of this act, shall be punished
12 by a fine not exceeding one thousand dollars or by
13 imprisonment not less than one year, and shall be
14 liable to said corporation for three times the actual
15 damage to be recovered in any proper action.

'SECT. 11. Said corporation may issue bonds for
2 construction of its works, upon such rates and
3 time as it may deem expedient, not exceeding the
4 sum of one hundred and fifty thousand dollars, and
5 secure the same by mortgage of the franchise and
6 property of said company.

'SECT. 12. The first meeting of said corporation
2 may be called by a written notice thereof, signed
3 by any three corporators herein named, served
4 upon each corporator by giving him the same in
5 hand or by leaving the same at his last usual place

6 of abode, seven days before the time of the meet-
7 ing.

‘SECT. 13. This act shall take effect when ap-
2 proved.’

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 23, 1885. }

Reported from Committee on Judiciary by Mr. LITTLEFIELD; ordered
printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*