

MAINE STATE LEGISLATURE

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[RE-DRAFT.]

Sixty-Second Legislature.

SENATE.

No. 148.

STATE OF MAINE.

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

AN ACT to supply the people of Waterville with
Pure Water.

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

SECTION 1. Samuel Appleton, S. I. Abbott, I.
2 S. Bangs, F. E. Heath, Nathaniel Meader, John
3 Ware, E. F. Webb, W. B. Arnold, G. A. Phillips,
4 J. W. Philbrick, F. C. Thayer, J. H. Plaisted, A.
5 A. Plaisted and Franklin Smith, with their asso-
6 ciates and successors, are hereby made a cor-
7 poration by the name of the Waterville Water
8 Company, for the purpose of conveying to the
9 town of Waterville a supply of pure water for
10 domestic and municipal purposes, including the

11 extinguishment of fires, but not for power for
12 driving machinery.

SECT. 2. Said corporation may hold real and
2 personal estate necessary and convenient for the
3 purposes aforesaid, not exceeding in amount four
4 hundred thousand dollars.

SECT. 3. Said corporation is hereby authorized,
2 for the purposes aforesaid, to take and hold water
3 of Snow Pond, so called, in the town of Oakland,
4 or to take and hold sufficient water of the Kenne-
5 bec River, in the town of Waterville, and from
6 artesian wells, and may take and hold, by pur-
7 chase or otherwise, any land or real estate neces-
8 sary for erecting and maintaining reservoirs, and
9 for laying and maintaining aqueducts for conduct-
10 ing, discharging, distributing and disposing of
11 water, and for forming reservoirs therefor. But
12 no pipe, pipes or other conduits shall be laid for
13 the conveyance of water from said pond, which
14 have a capacity exceeding one million and five
15 hundred thousand gallons for each day of twenty-
16 four hours. And no water from said pond shall be
17 taken within the town of Oakland for pumping
18 water for said water company.

SECT. 4. The said Waterville Water Company,
2 after commencing to take water from said Snow

3 Pond, shall be liable for one-sixth part of the
4 expense of maintaining the dam at the outlet of
5 said pond.

SECT. 5. Said corporation shall be liable to pay
2 all damages that shall be sustained by any per-
3 sons or corporations in their property by the
4 taking of any land or excavating through any
5 land for the purpose of laying down pipes, or
6 constructing reservoirs; and if any person sus-
7 taining damage, as aforesaid, and said corporation
8 shall not mutually agree upon the sum to be paid
9 therefor, such person may cause the damage to be
10 ascertained in the same manner and under the
11 same conditions, restrictions and limitations as
12 are by law prescribed in case of damages by the
13 laying out of highways.

SECT. 6. The capital stock of said company
2 shall not exceed four hundred thousand dollars,
3 and shall be divided into shares of one hundred
4 dollars each. Said capital stock shall be applied
5 exclusively to the supply and distribution of water
6 for the purposes set forth in this act.

SECT. 7. Nothing contained in this act shall be
2 construed to affect or diminish the liability of said
3 corporation for any injury to private property, by

4 depreciating the value thereof, or otherwise, but
5 any legal remedies existing shall continue.

SECT. 8. The said company is hereby authorized
2 to lay down, in and through the streets of the said
3 town of Waterville, and to take up, replace and
4 repair all such pipes, aqueducts, and fixtures as
5 may be necessary for the objects of this corpora-
6 tion, under such restrictions and regulations as the
7 selectmen of Waterville may prescribe, and any
8 obstruction in any street of said town, or displace-
9 ment of any portion of any street, contrary to the
10 rules and regulations that may be prescribed, as
11 aforesaid, shall be considered as a nuisance, and
12 said company shall be liable to indictment there-
13 for, and to all the provision of law applicable
14 thereto; and said company shall in all cases be
15 liable to repay to said town of Waterville all sums
16 of money that said town may be obliged to pay on
17 any judgment recovered against the town for dam-
18 ages occasioned by any obstructions or taking up
19 or displacement of any street by said company
20 whatever, with or without the consent of the said
21 selectmen, together with counsel fees and other
22 expenses incurred by said town in defending any
23 suit to recover damages, as aforesaid, with interest

24 on the same, to be recovered in an action for money
25 paid to the use of said company.

SECT. 9. Whenever the said company shall lay
2 down any pipes or aqueducts in any street, or make
3 any alterations or repairs upon its works in any
4 street it shall cause the same to be done with as
5 little obstruction as possible to the public travel,
6 and shall, at its own expense, without unnecessary
7 delay, cause the earth and pavement removed by
8 it to be replaced in proper condition. It shall not
9 be allowed in any case to obstruct or impair the
10 use of any public or private drain, or common
11 sewer, or reservoir, but said company shall have
12 the right to cross or, where necessary, to change the
13 direction of any private drain in such a manner
14 as not to obstruct or impair the use thereof, being
15 liable for any injury occasioned by such crossing
16 or alteration to the owner thereof, or any other
17 person having legal claim in an action upon the
18 case.

SECT. 10. If said company or any of its servants
2 or officers employed in effecting the objects of
3 this company shall wilfully or negligently place or
4 leave any obstructions in any of the streets of
5 Waterville beyond what is actually necessary in
6 constructing its works, laying down or taking up

7 and repairing its pipes and fixtures, or shall wilfully
8 or negligently omit to repair or put in proper con-
9 dition any street in which the earth or pavement
10 may have been removed by it, the company shall be
11 subject to indictment therefor, in the same manner
12 that towns are subject to indictment for bad roads,
13 and shall be holden to pay such fine as may be
14 imposed therefor, which fine shall be collected,
15 applied and expended in the same manner as is
16 provided in case of the indictment aforesaid against
17 towns, or may be ordered to be paid into the treas-
18 ury of the town. If any person shall suffer in-
19 jury in his person or property by reason of any
20 such negligence, wilfulness or omission, he shall
21 be entitled to recover damages of the company
22 therefor by an action on the case in any court of
23 competent jurisdiction.

SECT. 11. Any person who shall maliciously
2 injure any of the property of said company, or
3 who shall corrupt the waters used or to be used
4 by said company, or render them in any manner
5 impure, or who shall in any manner destroy or injure
6 any reservoir, aqueduct, pipe, hydrant or other
7 property held, owned or used by said corporation
8 for the purposes of this act, shall pay three times
9 the amount of damages to said company, to be

10 recovered in any proper action; and every such
11 person, on conviction of either of said acts, shall
12 be punished by fine not exceeding five thousand
13 dollars, and by imprisonment not exceeding one
14 year.

SECT. 12. The selectmen for the time being shall,
2 at all times, have the power to regulate, restrict
3 and control the acts and doings of said corpora-
4 tion which may in any manner affect the health,
5 safety or convenience of the inhabitants of said
6 town.

SECT. 13. The first meeting of said corporation
2 may be called by a notice, signed by any two of
3 the corporators, published seven days at least, be-
4 fore the day fixed for such meeting, in any news-
5 paper published in Waterville.

SECT. 14. Said corporation is hereby authorized
2 to issue bonds for the construction of its works
3 upon such waters and time as it may deem expe-
4 dient, to an amount not exceeding two hundred
5 thousand dollars, and to secure the same by a
6 mortgage or deed of trust of the franchise, property
7 and estate of said corporation.



MAJORITY REPORT.

The Committee on Legal Affairs, to which was referred the bill entitled "an act to supply the inhabitants of Waterville with pure water," have had the same under consideration and ask leave to report that the same be referred to the next Legislature.

Per Order : PHILIP H. STUBBS, *Chairman.*

MINORITY REPORT.

The undersigned, a minority of the Committee on Legal Affairs, to which was referred the bill entitled "an act to supply the inhabitants of Waterville with pure water," have had the same under consideration and ask leave to report that the same ought to pass in a new draft.

Per Order : S. S. MARBLE,
for Minority of Committee.

STATE OF MAINE.

IN SENATE CHAMBER, }
February 27, 1885. }

Pending acceptance, majority and minority reports laid on table, on motion by Mr. HEATH, and ordered printed with bill accompanying minority report.

C. W. TILDEN, *Secretary.*