

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

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grade, as the municipal officers of the said city and towns shall prescribe and direct; and any grade may be changed from time to time, by the said several municipal officers, and said company shall conform thereto, and changes of grade shall be made at the sole expense of the corporation; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street occupied by its railroad, said alterations may be made at the expense of said corporation, if the change shall be assented to by the several towns and city in which the change is to be made. If the tracks of the said company's railroad cross any other railroad at any time and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners of this state shall, upon hearing, decide and determine, in writing, in what manner the crossing shall be made, and it shall be constructed accordingly.

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rails and grade shall be prescribed by municipal officers.

—manner of crossing other railroads determined by R. R. Commissioners.

SECT. 8. No other corporation or person shall be permitted to construct or maintain any railroad for similar purposes, over the same streets or ways that may be lawfully occupied by this corporation; but any person or corporation lawfully operating any street railroad to any point to which this corporation's tracks extend, may enter upon, connect with and use the same on such terms and in such manner as may be agreed upon between the parties, or if they shall not agree, to be determined by the railroad commissioners of the state of Maine.

Exclusive rights, granted.

SECT. 9. The first meeting of said corporation shall be called in the manner provided in the revised statutes, chapter forty-six, section three.

First meeting, how called.

SECT. 10. This act shall take effect when approved.

Approved March 19, 1891.

### Chapter 254.

An Act to incorporate the Mousam Water Company.

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

SECT. 1. R. W. Lord, Sidney T. Fuller, Frank M. Ross, Charles R. Littlefield, Walter L. Dane, Joseph A. Titcomb and W. F. Moody, with their associates and successors, be

Corporators.

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—corporate  
name.

—purposes.

and are hereby made a corporation under the name of the Mousam Water Company, for the purpose of supplying the inhabitants of the towns of Kennebunk, Kennebunkport and Wells with pure water for domestic, sanitary, industrial and municipal purposes, including the extinguishment of fires, the supply of shipping and the use of manufacturing establishments; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Location.

SECT. 2. The place of business of said corporation shall be at Kennebunk, in the county of York and state of Maine, and its business shall be confined to the towns of Kennebunk, Kennebunkport and Wells, in said county.

May take water  
from  
Kennebunk  
and Mousam  
rivers, etc.

SECT. 3. For any of the purposes aforesaid the said corporation is hereby authorized to flow, detain, take and use water from the Kennebunk and Mousam rivers, or from any spring, pond, brook, or other waters in the towns of Kennebunk, Kennebunkport and Wells, to conduct and distribute the same into and through the said towns of Kennebunk, Kennebunkport and Wells; and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

May lay pipes  
under Kenne-  
bunk and  
Mousam rivers  
etc.

SECT. 4. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe under, in and over the Kennebunk and Mousam rivers and any tributaries thereof in the said towns of Kennebunk and Kennebunkport, and to build and maintain all necessary structures therefor, at such places as may be necessary for the said purposes of said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused thereby.

—may cross any  
private or public  
sewer.May lay pipes  
along highways,  
etc, under  
direction of  
selectmen.

SECT. 5. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges in the said towns, and to take up, replace and repair, all such aqueducts, sluices, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for any of the

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said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the said towns may impose; and the said corporation shall be responsible for all damages to the said towns, and to all corporations, persons and property, occasioned by such use of the highway, ways and streets. Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration 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 pavement then removed by it, to be replaced in proper condition.

—responsible  
for all damages.

—shall not  
obstruct travel.

SECT. 6. The said corporation is hereby authorized to take and hold, by purchase or otherwise, any lands necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings, and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipes, and other necessary structures or fixtures, in, over and through any land for the said purposes, and excavate in and through such land for such location, construction and erection. And in general, to do any acts necessary, convenient, or proper for carrying out any of the said purposes of incorporation. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds in the county of York, plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct.

May take land  
for flowage, etc.

—shall file plans  
of location in  
registry of  
deeds, York  
county.

SECT. 7. Should the said corporation and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding, flowing and construction, the land owner or said corporation may within twelve months after said filing of plans of location, apply to the commissioners of said county of York, and cause such damages to be assessed in the same manner and under the same conditions as are prescribed by law in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said corporation shall fail to pay such

Damages, how  
ascertained.

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land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sums as may be finally awarded as damages, with cost 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 thereby invalid, and the said corporation shall forfeit all rights under the same, as against such land owner. The said corporation may make a tender to any land owner, damaged under the provisions of this act, and if such land owner recovers more damages than was tendered him by the said corporation, he shall recover costs otherwise the said corporation shall recover costs. In case the said corporation shall begin to occupy such land before the rendition of final judgment, the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve conditioned for said judgment or deposits. No action shall be brought against the said corporation for such taking, holding and occupation until after such failure to pay or deposit as aforesaid. Failure to apply for damages within the said twelve months shall be held to be a waiver of them.

Damages for taking water, how assessed.

SECT. 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damage assessed in the manner provided in the preceding section, and payment therefor 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.

May contract to supply water.

SECT. 9. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of York, the towns of Kennebunk, Kennebunkport and Wells, and with any village corporation in the said towns, and with the inhabitants thereof, or any corporation doing business therein, for the supply of water or power for any and all the purposes contemplated in this act; and the said towns and any village corporations in the said towns by their proper officers, are hereby authorized to enter into contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said towns, village corpora-

—towns, etc., may contract for water supply.

tions, and the said corporation may agree upon, which when made shall be legal and binding upon all parties thereto.

SECT. 10. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall willfully or maliciously injure any of the works of the said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Penalty, for corrupting water or injuring works.

SECT. 11. The capital stock of the said corporation shall be one hundred and fifty thousand dollars, which may be increased to any sum not exceeding three hundred thousand dollars, by a majority vote of the stockholders of the said corporation; and the said stock shall be divided into shares of one hundred dollars each.

Capital stock.

SECT. 12. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding three hundred thousand dollars.

May hold real estate.

SECT. 13. The said corporation may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time as it may deem expedient, to an amount not exceeding its capital stock, and secure the same by mortgage of its franchise and property.

May issue bonds and mortgage property.

SECT. 14. The first meeting of the corporation shall be called by a written notice therefor, signed by S. T. Fuller, Frank M. Ross, or any corporator 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, at least seven days before the time of meeting.

First meeting, how called.

SECT. 15. This act shall take effect when approved.

Approved March 10, 1891.

## Chapter 255.

An Act to incorporate the Douglas Dam Water Power Company.

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

SECT. 1. Robert Dobson, William Dobson, Gordon Dobson, A. P. McMaster, Dennison Walker, J. W. Manson, E. C.

Corporators.