

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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SENATE.

No. 34.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

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AN ACT to supply the cities of Lewiston and Auburn  
with pure water.

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

SECTION 1. The cities of Lewiston and Auburn are  
2 authorized and empowered to take water from Wilson  
3 pond, in the city of Auburn, sufficient for domestic  
4 purposes in said cities of Lewiston and Auburn, in-  
5 cluding a sufficient quantity for extinguishing fires and  
6 the supply of hotels, livery stables and laundries within  
7 said cities. But nothing in this act shall authorize  
8 the use of water so taken for the purpose of propelling  
9 machinery nor for any manufacturing purposes.

SECT. 2. For the purposes of carrying out the pro-  
2 visions of this act, said cities may hold jointly or

3 severally, real and personal estate necessary and  
4 convenient, and make any contract of purchase there-  
5 for.

SECT. 3. Said cities are authorized for the purposes  
2 aforesaid to take and convey through the cities of  
3 Lewiston and Auburn, and to all parts of said cities of  
4 Lewiston and Auburn, the water of Wilson pond afore-  
5 said by an aqueduct or pipe sunk to any depth desira-  
6 ble for the purpose ; and may also take and hold by  
7 purchase or otherwise, jointly or severally, any land  
8 necessary for laying and maintaining pipes, aqueducts,  
9 locks, gates, dams, hydrants and reservoirs for taking,  
10 conducting, holding, discharging and distributing  
11 water.

SECT. 4. For the purposes of carrying into effect  
2 the provisions of this act, the city council of each of  
3 said cities of Lewiston and Auburn shall in the month  
4 of March elect by ballot a board of water commis-  
5 sioners, consisting of three persons whose several duty  
6 it shall be to perform all acts for the respective cities  
7 of Lewiston and Auburn necessary and convenient for  
8 the full operation of this act, or as directed by said  
9 city council of each of said cities. The three persons  
10 first chosen as aforesaid in each city shall serve one for  
11 one year, one for two years and one for three years, as  
12 may be designated by the city council when elected,

13 and thereafterwards one upon each of said boards shall  
14 be elected by ballot annually in the month of March  
15 to serve for the term of three years, and they may be  
16 removed at any time by vote of the council that elected  
17 them, and by the election of others to fill their un-  
18 expired terms.

SECT. 5. Said water commissioners may enter upon  
2 any land for the purposes of survey and location of  
3 pipes, aqueducts, drains, dams, locks, hydrants and  
4 reservoirs, and any necessary excavations doing  
5 unnecessary damage, and within thirty days after  
6 taking and marking out any land taken for pipes,  
7 aqueducts, drains, locks, hydrants and reservoirs, and  
8 any necessary excavations under, and by virtue of this  
9 act, shall file in the register of deeds for the county of  
10 Androscoggin a description thereof, giving the courses  
11 and width of land taken, and in case of excavations  
12 or openings in the land whether they are to remain  
13 open or to be covered, and the purposes for which  
14 such land is taken, and such description shall be signed  
15 by the water commissioners for both cities where the  
16 land is taken for the use of both cities to carry out  
17 the provisions of this act, and such description shall  
18 be signed by the commissioners of the board of either  
19 city where the land is taken for such city by virtue of  
20 this act.

SECT. 6. Said cities of Lewiston and Auburn shall  
2 be liable in proportion to the quantity of water taken  
3 and used by each for the damages sustained by any  
4 persons or corporations in their property by taking any  
5 land for pipes, aqueducts, locks or other structures  
6 used by said cities in common, and each city shall in  
7 like manner be liable for damages for any land taken  
8 under the provisions of this act; and if such damages  
9 cannot be determined by such persons or corporations  
10 and said boards of water commissioners, acting jointly  
11 for both cities or severally for their respective cities,  
12 such persons or corporations may cause their damages  
13 to be assessed and determined in the same manner and  
14 under the same limitations as in case of land taken for  
15 county ways.

SECT. 7. Said boards of water commissioners are  
2 authorized to fix for their respective cities the rates for  
3 water, to be paid monthly or annually by persons sup-  
4 plied with the same, subject to the action of the council  
5 in each of said cities, and in the same manner deter-  
6 mine the conditions and manner of such supply.

SECT. 8. Said cities are authorized for the purpose  
2 of carrying into effect the provisions of this act, to dig  
3 up and excavate any highway, and fill the same under  
4 the direction of the street commissioner of the city  
5 wherein such highway may be located.

SECT. 9. Said cities in order to carry out the provisions of this act may issue bonds of each of said cities with coupons annexed for the payment of interest at six per cent. semi-annually, under the direction of each city council and its committee on finance, payable at such time as may be fixed by each of said cities ; and said bonds shall be signed by the mayor and treasurer of each of said cities issuing the same, but the coupons need be signed by the treasurer only, and shall be designated and marked Lewiston or Auburn, as the case may be, Water Loan, and the amount of such loan shall be fixed by the city council of the respective cities ; and the rates for the supply of water under this act shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest and not less than one per cent. of the principal expenditures.

SECT. 10. Damages to any persons or corporations or mill owners for taking water from Wilson pond under the provisions of this act, shall be determined and assessed in the same manner as herein provided in section six, for land taken under the provisions of this act, and the damages shall be paid by said cities in proportion to their valuation.

SECT. 11. Whenever the cities of Lewiston and Auburn shall fail to agree upon the amount to be

3 paid for any joint expenditure, damages or benefit  
4 under this act, the supreme judicial court within and  
5 for the county of Androscoggin, on petition of either  
6 city, shall have authority at any term of said court,  
7 after notice, to appoint three commissioners to hear  
8 and determine the matter of difference ; and the report  
9 of said commissioners, after notice to said cities, and  
10 hearing returned to said court in said county, at any  
11 term soon as may be, and accepted, shall be binding  
12 as an award of referees, and may be enforced by ap-  
13 propriate action at law.

SECT. 12. No person shall throw any refuse matter  
2 nor the carcasses of any dead animals into Wilson  
3 pond, nor shall injure, deface, dig up or destroy any  
4 structure made or constructed by either or both said  
5 cities of Lewiston and Auburn, under and by virtue of  
6 the provisions of this act ; and any person violating  
7 the provisions of this section shall be prosecuted by  
8 complaint before any municipal court in the county of  
9 Androscoggin or by indictment, and be imprisoned not  
10 more than six months in the county jail for said county  
11 of Androscoggin, or pay a fine not exceeding five  
12 hundred dollars.

SECT. 13. This act shall take effect when approved.

STATE OF MAINE.

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IN SENATE, February 14, 1873.

Reported from the Committee on Interior Waters, by Mr. SMITH of Penobscot, and on motion of Mr. DINGLEY of Androscoggin, laid on the table and ordered to be printed.

SAMUEL W. LANE, *Secretary.*