

# 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.

---

SENATE.

No. 24.

---

---

## STATE OF MAINE.

---

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

---

---

AN ACT to supply the people of the City of Bath  
with Pure Water.

---

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

SECTION 1. Arthur Sewall, Charles Davenport,  
2 L. W. Houghton, John S. Elliot, Thomas W.  
3 Hyde, John H. Kimball, Franklin Reed, F. H.  
4 Patten, Galen C. Moses, James A. McLellan,  
5 Frank O. Moses, Charles H. McLellan, John W.  
6 Marr, F. B. Torrey, John O. Patten, Henry W.  
7 Swanton, A. H. Shaw, George Moulton, Jr., Sam-  
8 uel D. Bailey, George H. Nichols, their associates,  
9 successors and assigns, are hereby incorporated a  
10 body politic by the name of the Bath Water Sup-  
11 ply Company, for the purpose of supplying the

12 city of Bath or any part thereof with pure water for  
13 domestic, manufacturing, private and public uses.

SECT. 2 Said corporation may for said purposes,  
2 hold real and personal estate not exceeding in  
3 amount five hundred thousand dollars.

SECT. 3. Said corporation is hereby authorized,  
2 for the purposes aforesaid, to take, hold and con-  
3 vey to the city of Bath and through any part thereof,  
4 the water of any river, spring, natural or artificial  
5 pond, brook, or other water sources, in Bath,  
6 West Bath, Woolwich or Topsham in the county  
7 of Sagadahoc, or in Brunswick in the county of  
8 Cumberland; and said corporation may take and  
9 hold by purchase or otherwise, any real estate  
10 necessary for the preservation and purity of the  
11 same, or for forming any dams or reserviors to  
12 hold the same, and for laying and maintaining  
13 aqueducts and pipes for distributing the water so  
14 taken and held; and may lay its water pipes  
15 through any private lands with the right to enter  
16 upon the same and dig therein for the purpose of  
17 making all necessary repairs or service connec-  
18 tions; and for the purposes aforesaid may lay its  
19 pipes under or over any water course, street, rail-  
20 road, highway or other way, in such a manner as  
21 not unnecessarily to obstruct the same; and may

22 lay down, in and through the streets and ways in  
23 said towns of West Bath, Woolwich, Topsham,  
24 Brunswick and the city of Bath, and to take up,  
25 replace and repair all such pipes, aqueducts or  
26 fixtures as may be necessary for the purposes of  
27 their incorporation, under such reasonable restric-  
28 tions as the Selectmen of said towns, and the  
29 Mayor and Aldermen of said city may impose;  
30 and said corporation shall be responsible for all  
31 damages to persons or property occasioned by the  
32 use of such streets and ways, and shall pay to  
33 said towns and city all sums recovered against  
34 said towns and city for damages from obstruction  
35 caused by said corporation, and for all expenses  
36 including reasonable counsel fees incurred in de-  
37 fending such suits, with interest on the same.

SECT. 4. Said corporation shall pay all damages  
2 that shall be sustained by any persons by taking  
3 of any land or other property, or by flowage, or  
4 by excavating through any land for the purpose of  
5 laying down pipes and aqueducts, building dams  
6 and reservoirs, and damages for any other injuries  
7 resulting from said acts; and if any person sus-  
8 tain damages as aforesaid and the amount thereof  
9 cannot be mutually agreed upon, such person may  
10 cause his damage to be assessed in the same man-

11 ner and under the same conditions, restrictions and  
12 limitations as are by law prescribed in the case of  
13 damages by the laying out of highways.

SECT. 5. Said corporation may make contracts  
2 with the United States, the State of Maine, the  
3 county of Sagadahoc, the towns and city through  
4 which the pipes of the company may be located,  
5 or with the corporations and individuals of said  
6 towns and city for supplying water, as con-  
7 templated in this act. And said corporation may  
8 establish and fix from time to time rates for the  
9 use of said water and collect the same. And the  
10 city of Bath by a majority vote of its city council  
11 present and voting jointly thereon is hereby au-  
12 thorized to contract for a supply of water for the  
13 extinguishment of fire or other purposes, for a  
14 term of years with said corporation, *provided* the  
15 contract be assented to by said city by a majority  
16 vote of the voters present and voting thereon at a  
17 legal meeting called for that purpose.

SECT. 6. The capital stock of this corporation  
2 shall be three hundred thousand dollars, and shall  
3 be divided into shares of one hundred dollars each.  
4 Said capital may be increased to five hundred  
5 thousand dollars by a vote of this corporation.

SECT. 7. Said corporation may issue bonds for  
2 the construction of its works upon such rates and  
3 time as it may deem expedient, not exceeding three  
4 hundred thousand dollars, and secure the same by  
5 mortgage on the franchise and property of said  
6 corporation.

SECT. 8. Any person who shall willfully injure  
2 any of the property of said corporation, or know-  
3 ingly corrupt the sources of its water supply, or of  
4 any of its tributaries, or in any manner defile them, or  
5 divert any of the water, whether the same be frozen  
6 or not, shall forfeit and pay to said company three  
7 times the amount of actual damages sustained, to be  
8 recovered in an action of tort; and on conviction  
9 of either of the willful acts aforesaid shall be pun-  
10 ished by a fine not exceeding one thousand dollars  
11 or by imprisonment not exceeding one year.

SECT. 9. If said corporation shall not be organized  
2 and its works put in actual operation within three  
3 years from the approval of this act, the city of  
4 Bath shall succeed to all the rights and privileges  
5 herein granted.

SECT. 10. The first meeting of said corporation  
2 may be called by a notice signed by any two of the  
3 corporators, published five days successively before

4 the day fixed for such meeting, in any newspaper  
5 published in Bath.

SECT. 11. This act shall be taken and deemed a  
2 public act and shall be in force when approved by  
3 the governor.

SENATE DOCUMENT NO. 24.

AN ACT to supply the people of the City of Bath with  
Pure Water.

AMENDMENTS PROPOSED.

SECT. 1. Amend in the twelfth line by inserting after the word "Bath," the words 'or any part thereof.'

SECT. 5. Amend in the fourth line by striking out the words "or shall."

SECT. 8. Amend in the fifth line by inserting after the word "them," the words 'or divert any of the water.'



STATE OF MAINE.

---

IN SENATE CHAMBER, }  
February 3, 1885. }

On motion by Mr. KIMBALL, laid on the table and ordered printed  
with amendments.

C. W. TILDEN, *Secretary.*