

# MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

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HOUSE.

No. 195.

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STATE OF MAINE.

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

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AN ACT to amend the charter of the Portland Street  
Sprinkling Company.

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

SECTION 1. The Portland Street Sprinkling Com-  
2 pany, a corporation organized under the general  
3 law of this State for street sprinkling and other  
4 purposes, whose certificate of organization was  
5 filed in the office of the Secretary of State on the  
6 third day of April, 1886, and whose place of busi-  
7 ness is in the city of Portland in the State of  
8 Maine, is hereby authorized to lay down, in and  
9 through the streets of said city of Portland, and to  
10 take up, replace and repair all such pipes, aque-

11 ducts and fixtures as may be necessary for the objects  
12 of their incorporation, first having obtained the con-  
13 sent of the board of mayor and aldermen of said  
14 city therefor, and under such restrictions and regu-  
15 lations as the said board of mayor and aldermen  
16 may see fit to prescribe; and any obstruction in  
17 any street of said city, or taking up or displace-  
18 ment of any portion of any street without such  
19 consent of the board of mayor and aldermen, or  
20 contrary to the rules and regulations that may be  
21 prescribed as aforesaid, shall be considered a nui-  
22 sance, and said company shall be liable to indict-  
23 ment therefor and to all the provisions of law  
24 applicable thereto; and said company shall, in all  
25 cases be liable to repay to said city all sums of  
26 money that said city may be obliged to pay on any  
27 judgment recovered against said city for damages  
28 occasioned by any obstructions, or taking up, or  
29 displacement of any street by said company what-  
30 ever, with or without the consent of the said board  
31 of mayor and aldermen, together with the counsel  
32 fees and other expenses incurred by said city in  
33 defending any suit to recover damages as aforesaid,  
34 with interest on the same, to be recovered in an  
35 action for money paid to the use of said company.

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

SECT. 3. If said company, or any of their  
2 servants or officers employed in effecting the  
3 objects of the company, shall wilfully or negli-  
4 gently place or leave any obstruction in any of the  
5 streets of Portland, beyond what is actually neces-  
6 sary in constructing their works, laying down,  
7 taking up, and repairing their pipes and fixtures,

8 or shall wilfully or negligently omit to repair and  
9 put in proper condition any street in which the  
10 earth or pavement may have been removed by  
11 them, the company shall be subject to indictment  
12 therefor in the same manner that towns are sub-  
13 ject to indictment for bad roads, and shall be holden  
14 to pay such fines as may be imposed therefor,  
15 which fine shall be collected, applied and expended  
16 in the same manner as is provided in case of the  
17 indictment aforesaid against towns, or may be  
18 ordered to be paid into the treasury of the city.  
19 If any person shall suffer injury in his person or  
20 property by reason of any such negligence, wilful-  
21 ness or omission, he shall be entitled to recover  
22 damages of the company therefor, by an action on  
23 the case in any court of competent jurisdiction.

SECT. 4. The mayor and aldermen, for the time  
2 being, shall at all times have the power to regu-  
3 late, restrict and control the acts and doings of  
4 said corporation, which may in any manner affect  
5 the health, safety or convenience of the inhabi-  
6 tants of said city.

SECT. 5. This act shall take effect when ap-  
2 proved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 19, 1889.

Tabled pending third reading, and ordered printed on motion of Mr.  
FOGG of Portland.

NICHOLAS FESSENDEN, *Clerk.*