

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 192.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Boothbay and Boothbay Harbor  
Water Company.

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

SECTION 1. George P. Wescott, Fred E. Richards and  
2 Nathan Cleaves of Portland, Arthur Sewall of Bath, all in  
3 the State of Maine, their associates, successors and assigns,  
4 are hereby made a corporation by the name of the Boothbay  
5 and Boothbay Harbor Water Company for the purpose of  
6 conveying to and supplying the inhabitants of Boothbay  
7 and Boothbay Harbor, adjacent islands and neighboring  
8 territory, with water for all domestic, sanitary, municipal  
9 and commercial purposes, with all the rights and privi-

10 leges, and subject to all the liabilities and obligations of  
11 similar corporations under the general laws of the State  
12 of Maine.

SECT. 2. Said corporation is hereby authorized, for the  
2 purposes aforesaid, to take, hold and convey to said towns  
3 of Boothbay and Boothbay Harbor, and the neighboring  
4 territory, and through any part thereof, and the islands  
5 adjacent, water from Adams pond in said town of Booth-  
6 bay, or from any other supply that may be selected within  
7 said towns of Boothbay, Boothbay Harbor or the town of  
8 Southport; to survey for, locate, lay, erect and maintain  
9 suitable dams, reservoirs and machinery, pipes, aqueducts,  
10 hydrants and fixtures; to carry its pipes or aqueducts  
11 under or over any navigable waters, water course, bay,  
12 creek, river, bridge, street, railroad, highway or other  
13 way, and for that purpose to enter upon and excavate any  
14 street, road or way in such a manner as not to unneces-  
15 sarily obstruct the same, and to take up, replace and  
16 repair all such pipes, aqueducts and fixtures as may be  
17 necessary for said purposes, and to enter upon, pass over,  
18 excavate and flow any lands, and to take and hold, by  
19 purchase or otherwise, any real estate, rights of way or  
20 water. And said corporation is further authorized for the  
21 purpose of making all necessary repairs, surveys or con-  
22 nections to lay its pipes through any private or public  
23 lands or ways, with the right to enter upon the same and  
24 dig therein, and said corporation may establish written  
25 regulations for the use of said water. Said corporation  
26 shall be responsible for all damages to persons and prop-  
27 erty occasioned by such use of said streets and ways, and  
28 shall be further liable to pay to said town all sums recov-

29 ered against said town for damages by reason of any  
 30 defect in any highway, way or street therein occasioned  
 31 by any fault or neglect of said company together with  
 32 reasonable costs incurred in defending such suits; pro-  
 33 vided said company shall have notice of any suit wherein  
 34 such damages are claimed and shall be allowed to defend  
 35 the same at its own expense.

SECT. 3. Said corporation shall file in the Registry of  
 2 Deeds in the county of Lincoln plans and description of  
 3 the location of all lands and water rights taken under the  
 4 provisions of this act, and no entry shall be made upon  
 5 any land, except to make surveys, until the expiration of  
 6 ten days from such filing, and with such plan the corpora-  
 7 tion may file a statement of the damages it is willing to  
 8 pay to any person for any property so taken, and if the  
 9 amount finally awarded does not exceed that sum the  
 10 company shall recover costs against said person, other-  
 11 wise such person shall recover such costs against said  
 12 company.

SECT. 4. Said corporation shall be held liable to pay  
 2 all damages that shall be sustained by any person by the  
 3 taking of any land or other property, or by flowage, or  
 4 by excavating through any land for the purpose of laying  
 5 down pipes and aqueducts, building dams and reservoirs,  
 6 and also damages for any other injuries resulting from  
 7 said acts; and if any person sustaining damages as afore-  
 8 said, and said corporation cannot mutually agree upon the  
 9 sum to be paid therefor, such person may cause his  
 10 damages to be ascertained in the same manner and under  
 11 the same conditions, restrictions and limitations as are by

12 law prescribed in the case of damages, by the laying out  
13 of railroads.

SECT. 5. The capital stock of said corporation shall be  
2 fixed at a sum not exceeding one hundred thousand dollars  
3 and shall be divided into shares of one hundred dollars  
4 each. And said corporation for the purposes of this charter  
5 may hold real or personal estate necessary and convenient  
6 therefor and not exceeding one hundred thousand dollars.

SECT. 6. Said corporation is hereby authorized to make  
2 contracts with said towns of Boothbay and Boothbay  
3 Harbor and with other towns, corporations, associations  
4 and individuals for the purpose of supplying them with  
5 water as contemplated by this act; and said towns of  
6 Boothbay and Boothbay Harbor, by their selectmen or by  
7 their duly authorized agents, are hereby authorized to  
8 enter into contracts with said company for the supply of  
9 water and from such exemption from public burden as  
10 said towns, or either of them, and said company may  
11 agree upon, which when made shall be legal and binding  
12 upon all parties thereto. Manufacturing and other corpo-  
13 rations are hereby authorized to subscribe and hold stock  
14 of said Boothbay and Boothbay Harbor Water Company.

SECT. 7. Any person who shall wilfully injure any of  
2 the property of said corporation, or who shall knowingly  
3 corrupt the waters of said Adams Pond, or any of its  
4 tributary waters, or any supply that may be selected  
5 under this grant, in any manner whatever, or render them  
6 impure whether the same be frozen or not, or who shall  
7 throw the carcasses of dead animals or other offensive  
8 matter into said waters, or who shall wilfully destroy or  
9 injure any dam, reservoir, aqueduct, pipe, hydrant or

10 other property held or owned by said corporation for the  
11 purposes of this act, shall be punished by a fine not  
12 exceeding one thousand dollars, or imprisonment not less  
13 than one year, and shall be liable to said corporation for  
14 three times the actual damage, to be recovered in any  
15 proper action.

SECT. 8. Said corporation may issue its bonds for the  
2 construction of its works upon such rates and times as it  
3 may deem expedient, not exceeding one hundred thousand  
4 dollars, and secure the same by mortgage of the franchises  
5 and property of said company.

SECT. 9. The first meeting of said corporation shall be  
2 called by written notice thereof signed by any three cor-  
3 porators herein named, served upon each corporator by  
4 giving him the same in hand or by leaving same at his last  
5 usual place of abode seven days before the time of said  
6 meeting.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 4, 1891. }

Tabled, pending first reading, by Mr. CHADBOURNE of Biddeford,  
and ordered printed.

W. S. COTTON, *Clerk.*