

# MAINE STATE LEGISLATURE

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# Sixty-Fifth Legislature.

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HOUSE.

No. 237.

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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 Mousam Water Company.

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

SECTION 1. R. W. Lord, Sidney T. Fuller, Frank M.  
2 Ross, Charles R. Littlefield, Walter L. Dane, Joseph A.  
3 Titcomb and W. F. Moody, with their associates and suc-  
4 cessors, be and are hereby made a corporation under the  
5 name of the "Mousam Water Company," for the purpose  
6 of supplying the inhabitants of the towns of Kennebunk,  
7 Kennebunkport and Wells with pure water for domestic,  
8 sanitary, industrial and municipal purposes, including the  
9 extinguishment of fires, the supply of shipping and the  
10 use of manufacturing establishments; and such corpora-

11 tion shall possess all the powers and privileges and be  
12 subject to all the liabilities and obligations imposed upon  
13 corporations by law, except as herein otherwise provided.

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

SECT. 3. For any of the purposes aforesaid the said  
2 corporation is hereby authorized to flow, detain, take and  
3 use water from the Kennebunk and Mousam rivers, or  
4 from any spring, pond, brook, or other waters in the  
5 towns of Kennebunk, Kennebunkport and Wells, to con-  
6 duct and distribute the same into and through the said  
7 towns of Kennebunk, Kennebunkport and Wells; and to  
8 survey for, locate, construct and maintain all suitable and  
9 convenient dams, reservoirs, sluices, hydrants, buildings,  
10 machinery, lines of pipe, aqueducts, structures and appur-  
11 tenances.

SECT. 4. The said corporation is hereby authorized to  
2 lay, construct and maintain its lines of pipe under, in and  
3 over the Kennebunk and Mousam rivers and any tributa-  
4 ries thereof in the said towns of Kennebunk and Kenne-  
5 bunkport, and to build and maintain all necessary struc-  
6 tures therefor, at such places as may be necessary for the  
7 said purposes of said corporation; and to cross any water-  
8 course, private or public sewer, or to change the direction  
9 thereof, when necessary for their said purposes of incor-  
10 poration, but in such manner as not to obstruct or impair  
11 the use thereof, and the said corporation shall be liable  
12 for any injury caused thereby.

SECT. 5. The said corporation is hereby authorized to  
2 lay, construct and maintain in, under, through, along,  
3 over and across the highways, ways, streets, railroads  
4 and bridges in the said towns, and to take up, replace and  
5 repair all such aqueducts, sluices, pipes, hydrants and  
6 other structures and fixtures as may be necessary and  
7 convenient for any of the said purposes of the said corpo-  
8 ration under such reasonable restrictions and conditions  
9 as the selectmen of the said towns may impose; and the  
10 said corporation shall be responsible for all damages to  
11 the said towns, and to all corporations, persons and prop-  
12 erty, occasioned by such use of the highway, ways and  
13 streets. Whenever the said corporation shall lay down  
14 or construct any pipes or fixtures in any highway, way or  
15 street, or make any alteration or repairs upon its works,  
16 in any highway, way or street, it shall cause the same to  
17 be done with as little obstruction to public travel as may  
18 be practicable, and shall at its own expense, without  
19 unnecessary delay, cause the earth and pavement then  
20 removed by it, to be replaced in proper condition.

SECT. 6. The said corporation is hereby authorized to  
2 take and hold, by purchase or otherwise, any lands neces-  
3 sary for flowage, and also for its dams, reservoirs, gates,  
4 hydrants, buildings, and other necessary structures, and  
5 may locate, erect, lay and maintain aqueducts, hydrants,  
6 lines of pipes, and other necessary structures or fixtures,  
7 in, over and through any land for the said purposes, and  
8 excavate in and through such land for such location, con-  
9 struction and erection. And, in general, do any acts  
10 necessary, convenient, or proper for carrying out any of  
11 the said purposes of incorporation. It may enter upon

12 such lands to make surveys and locations, and shall file in  
13 the registry of deeds, in the county of York, plans of such  
14 locations and lands, showing the property taken, and  
15 within thirty days thereafter publish notices of such filing  
16 in some newspaper in said county, such publication to be  
17 continued three weeks successively. Not more than two  
18 rods in width of land shall be occupied by any one line of  
19 pipe or aqueduct.

SECT. 7. Should the said corporation and the owner of  
2 such land be unable to agree upon the damages to be paid  
3 for such location, taking, holding, flowing and construc-  
4 tion, the land owner or said corporation may within  
5 twelve months after said filing of plans of location apply  
6 to the commissioners of said county of York, and cause  
7 such damages to be assessed in the same manner and  
8 under the same conditions as are prescribed by law in the  
9 case of damages by the laying out of highways, so far as  
10 such law is consistent with the provisions of this act.

If said corporation shall fail to pay such land owner, or  
12 deposit for his use with the clerk of the county commis-  
13 sioners aforesaid, such sums as may be finally awarded as  
14 damages, with cost when recovered by him, within ninety  
15 days after notice of final judgment shall have been received  
16 by the clerk of courts of said county, the said location  
17 shall be thereby invalid, and the said corporation shall  
18 forfeit all rights under the same, as against such land  
19 owner.

The said corporation may make a tender to any land owners  
21 damaged under the provisions of this act, and if such land  
22 owner recovers more damages than was tendered him by  
23 the said corporation, he shall recover costs, otherwise the

24 said corporation shall recover costs. In case the said  
25 corporation shall begin to occupy such land before the  
26 rendition of final judgment, the land owner may require  
27 the said corporation to file its bond to him with the said  
28 county commissioners, in such sum and with such sureties  
29 as they may approve, conditioned for said judgment or  
30 deposits.

No action shall be brought against the said corporation  
32 for such taking, holding and occupation until after such  
33 failure to pay or deposit as aforesaid. Failure to apply  
34 for damages within the said twelve months shall be held  
35 to be a waiver of them.

SECT. 8. Any person suffering damage by the taking of  
2 water by said company as provided by this act may have  
3 his damage assessed in the manner provided in the preced-  
4 ing section, and payment therefor shall be made in the same  
5 manner and with the same effect. No action shall be  
6 brought for the same until after the expiration of the time  
7 of payment, and a tender by said company may be made  
8 with the same effect as in the preceding section.

SECT. 9. The said corporation is hereby authorized to  
2 make contracts with the United States, the State of Maine,  
3 the county of York, the the towns of Kennebunk, Kenne-  
4 bunkport and Wells, and with any village corporation in  
5 the said towns, and with the inhabitants thereof, or any  
6 corporation doing business therein, for the supply of  
7 water or power for any and all the purposes contemplated  
8 in this act, and the said towns and any village corporations  
9 in the said towns by their proper officers, are hereby  
10 authorized to enter into contract with the said corporation  
11 for a supply of water for any and all purposes mentioned

12 in this act, in consideration thereof to relieve said corpora-  
13 tion from such public burdens by abatement or otherwise as  
14 said towns, village corporations, and the said corporation  
15 may agree upon, which when made shall be legal and  
16 binding upon all parties thereto.

SECT. 10. Whoever shall knowingly or maliciously cor-  
2 rupt the water supply of the said corporation, whether  
3 frozen or not, or in any way render such water impure, or  
4 whoever shall wilfully or maliciously injure any of the works  
5 of the said corporation, shall be punished by a fine not  
6 exceeding one thousand dollars, or by imprisonment not  
7 exceeding two years, and shall be liable to said corporation  
8 for three times the actual damage, to be recovered in any  
9 proper action.

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

SECT. 12. The said corporation, for all its said pur-  
2 poses, may hold real and personal estate necessary and  
3 convenient therefor, not exceeding three hundred thousand  
4 dollars.

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

SECT. 14. The first meeting of the corporation shall be  
2 called by a written notice therefor, signed by S. T. Fuller,

3 Frank M. Ross, or any corporator named herein, served  
4 upon each corporator by giving him the same in hand, or  
5 or by leaving the same at his last and usual place of abode  
6 at least seven days before the time of meeting.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 11, 1891. }

Tabled, pending first reading, by Mr. STEARNS of Caribou, and  
ordered printed.

W. S. COTTON, *Clerk.*