

# 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)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:  
BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1892.

NEW DRAFT.

---

---

# Sixty-Fifth Legislature.

---

---

SENATE.

No. 157.

---

---

## STATE OF MAINE.

---

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

---

AN ACT to incorporate the Pittsfield Water Company.

---

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

SECTION 1. Robert Dobson, William Dobson, Gordon  
2 Dobson, Dennison Walker, A. P. McMaster, Frank W.  
3 Hovey, George H. Hunter, Frank W. Weeks, Freeland  
4 Holmes, James F. Connor, H. Pushor, Isaac H. Lancey,  
5 C. E. Vickery, N. L. Perkins, E. C. Bryant, H. F. Lib-  
6 by, Orin S. Haskell, Benjamin Thompson, T. M. Griffin,  
7 W. B. Rhoades, Emery Whitten, James M. Coffin,  
8 Joseph H. Walker, Oramel Murray, J. C. Connor, A. H.

9 Cornforth, David M. Parks, T. N. Drake, J. W. Manson,  
10 William R. Hunnewell, their associates and successors  
11 are hereby made a corporation by the name of the Pits-  
12 field Water Company, for the purpose of furnishing to  
13 the inhabitants of the town of Pittsfield a supply of water  
14 for domestic, sanitary and municipal purposes, and also for  
15 the extinguishment of fires, and for other public uses ; with  
16 all the rights, privileges, immunities, duties and obliga-  
17 tions incident to similar corporations.

SECT. 2. The capital stock of said corporation shall not  
2 exceed one hundred thousand dollars ; it may acquire and  
3 hold real and personal estate necessary and convenient for  
4 the purposes aforesaid ; and it may issue bonds and other  
5 obligations, secured by a mortgage on its franchise and  
6 other property, and on any franchise and property by it  
7 acquired under this act to carry out the purpose for which  
8 it is created.

SECT. 3. Said corporation may take and hold by pur-  
2 chase, or may take as for public uses, any real estate or  
3 easement therein, including water from any pond, rivers,  
4 streams, springs or artesian wells, necessary for obtaining  
5 a sufficient supply of water, for the construction of reser-  
6 voirs, and for its gates, hydrants, stations and other  
7 structures and for laying its pipes ; but said corporation  
8 shall not take any developed or undeveloped water power  
9 or privilege on the Seabasticook river or any lands con-  
10 nected with such water powers necessary for the erection  
11 and maintenance of a dam ; and may erect and maintain  
12 all necessary reservoirs, stand-pipes and hydrants or other  
13 structures ; it may lay its pipes through the lands of per-  
14 sons and corporations, and under such reasonable restric-

15 tions and regulations as the selectmen of said town may  
16 prescribe, along and in the streets and ways of said town ;  
17 and it may lay and maintain its pipes under any railroad,  
18 water course or private way, and across any drain or  
19 sewer or pipe of any kind, provided, that in the matter  
20 of crossing pipes, it shall at its own expense, and within  
21 reasonable time, replace, repair and cover all such pipes  
22 as may be injured or disturbed during the construction  
23 and repair of its works, and it may enter upon, pass over,  
24 and dig up any real estate, railroad, street or way, for  
25 the purpose of laying pipes or erecting hydrants or other  
26 fixtures, and maintaining and repairing the same ; and it  
27 may do any other act or thing necessary, convenient and  
28 proper to carry out the purposes of its incorporation.

SECT. 4. Said corporation shall file in the registry of  
2 deeds for Somerset county a certificate containing a  
3 description of the land or water rights taken under this  
4 act, or in which an easement is taken, under the provisions  
5 of this act, and a statement of the purposes for which it  
6 is taken will be recorded by the register, and such land,  
7 right or easement shall be deemed to be taken on the  
8 filing of such certificate ; but this section shall not apply  
9 to the service pipes leading from the main pipe for the  
10 purpose of distributing the water.

SECT. 5. Said corporation shall pay all damages sus-  
2 tained by any person or corporation by the taking of any  
3 land, right of way, water, water source, water right or  
4 easement, or by any other thing done by said corporation  
5 under the authority of this act. Any person or corpora-  
6 tion sustaining damages as aforesaid, may have the same  
7 determined in the manner provided by law for the assess-

8 ment of damages for lands taken for railroads, upon  
9 application at any time within three years from the tak-  
10 ing of such land or other property, or the doing of other  
11 injury under the authority of this act; but if no applica-  
12 tion is made within three years as aforesaid, the party  
13 claiming to have suffered damages shall be deemed to  
14 have waived his claim therefor.

SECT. 6. Said corporation may distribute water through  
2 said town of Pittsfield and its vicinity; may regulate the  
3 use of said water, and fix and collect water rates to be  
4 paid for the same; and said corporation shall be bound to  
5 furnish at reasonable rates as aforesaid water to the  
6 inhabitants of said town for said uses within a reasonable  
7 distance from its main pipes, and to said town in its cor-  
8 porate capacity for public uses.

Said town and any village corporation therein is hereby  
10 authorized to contract with said corporation for water for  
11 public uses, on such terms and for such time as the parties  
12 may agree, including the remission of taxes upon the real  
13 estate, fixtures and plant of said corporation, and may  
14 raise money therefor in the same manner as for other town  
15 charges and as provided in the charter of such village  
16 corporation. The said town at its annual town meeting  
17 in the year eighteen hundred and ninety-one, or at any  
18 special meeting within one month thereafter, may vote to  
19 assume the franchises of said corporation. Upon such  
20 vote the corporators above named shall transfer and assign  
21 to said town all the rights and franchises hereby granted,  
22 and may it thereafter exercise and enjoy the same  
23 as fully as if granted to said town direct.

At any time within ten years from the approval of this  
25 act the said town may purchase from said company all its

26 property and franchises upon such terms as may be agreed  
27 upon.

The said town is authorized to sell to said company its  
29 pipes and hydrants now located therein.

SECT. 7. Any person who shall wilfully and maliciously  
2 corrupt the waters of any of the sources of supply, or  
3 reservoirs of said corporation, or who shall leave or throw  
4 any offensive matter or materials upon them when frozen  
5 over, or who shall wilfully injure any reservoir, conduit,  
6 pipe, hydrant, engine, water wheel, or any other property,  
7 held, owned or used by said corporation for the purposes  
8 of this act, shall pay three times the amount of damages  
9 to said corporation, to be recovered in any proper action ;  
10 and any person convicted of any of said acts aforesaid,  
11 shall be punished by a fine not exceeding one hundred  
12 dollars, and by imprisonment not exceeding one year.

SECT. 8. Said company shall have power to cross any  
2 water course, private or public sewer, or to change the  
3 direction thereof when necessary, but in such manner as  
4 not to obstruct or impair the use thereof.

SECT. 9. Said company shall in all cases be liable to  
2 pay to said town all sums recovered against it for damages  
3 by reason of any defect in any highway, way or street  
4 therein, occasioned by any fault or neglect of said company,  
5 together with reasonable counsel fees and costs incurred in  
6 defending such suits with interest on the same ; provided,  
7 said company shall have notice of any suit wherein such  
8 damages are claimed and shall be allowed to defend the  
9 same at its own expense.

SECT. 10. The said company is authorized to acquire  
2 by purchase or lease the franchises and property of any

3 electric light company hereafter located in said Pittsfield  
4 and organized to supply said town, or any part thereof  
5 with light, heat and power by electricity, and any such  
6 electric light company is hereby authorized to make such  
7 sale or lease. After such sale or lease the said water  
8 company may exercise and enjoy all the franchises so  
9 acquired; and, thereafterwards, may contract with said  
10 town or any village corporation, for a term of years, for  
11 the public lighting therein.

SECT. 11. The first meeting of said company may be  
2 called by a written notice thereof, signed by any two cor-  
3 porators served upon each corporator by copy in hand, or  
4 sent by mail, seven days before the time of meeting.

SECT. 12. This act shall take effect when approved.





STATE OF MAINE.

---

IN SENATE, March 5, 1891.

Reported by Mr. WALTON, from Committee on the Judiciary, and  
and laid on table to be ordered printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*