

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

HOUSE.

No. 42.

STATE OF MAINE.

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

AN ACT to amend an act entitled An Act to incorporate the
Winterport Water Company.

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

Said act of incorporation is hereby amended so it shall read
as follows:

SECTION 1. T. W. Vose, Fred Atwood, A. E. Fernald,
2 S. N. Morgan, C. R. Hill, D. H. Smith, H. M. Heath,
3 and such persons as they may associate with themselves
4 in the enterprise, and their successors, are hereby incor-
5 porated into a corporation by the name of the Winterport
6 Water Company, for the purpose of supplying the towns
7 of Winterport and Frankfort, in the county of Waldo, and
8 the inhabitants of said towns, with pure water for industrial,

9 manufacturing, domestic, sanitary and municipal purposes,
10 including extinguishment of fires.

SECT. 2. Said company, for said purposes, may detain,
2 collect, take, store, use and distribute water from Low's
3 brook, or any other water source or sources, in Winter-
4 port, Frankfort and Monroe.

SECT. 3. Said company is hereby authorized to lay,
2 construct, and maintain in, under, through, along and
3 across the highways, ways, streets and bridges in said
4 towns, and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants, and structures as may be
6 necessary for the purposes of their incorporation, under
7 such reasonable restrictions and conditions as the select-
8 men may impose. And said company shall be responsible
9 for all damage to all corporations, persons and property
10 occasioned by the use of such highways, ways and streets,
11 and shall pay to said towns all sums recovered against said
12 towns for damages from obstruction caused by said cor-
13 poration, and for all expenses, including reasonable coun-
14 sel fees incurred in defending such suits, with interest on
15 the same.

SECT. 4. Said company shall have power to cross any
2 water course, public or private sewer, or to change the
3 direction thereof when necessary for the purpose of their
4 corporation, but in such manner as not to obstruct or
5 impair the use thereof, and said company shall be liable
6 for any injury caused thereby. Whenever said company
7 shall lay down any fixture in any highway, way or street,
8 or make any alterations or repairs upon its works in any
9 highway, way or street, it shall cause the same to be done
10 with as little obstruction to public travel as may be prac-

11 ticable, and shall, at its own expense, without unneces-
12 sary delay, cause the earth and pavements thus removed
13 by it, to be replaced in proper condition.

SECT. 5. Said company is hereby authorized to lay,
2 construct and maintain its pipes under the highways, ways
3 and streets in said Winterport and Frankfort and to build
4 and maintain all necessary structures thereof, to build
5 dams and reservoirs for storage of water across any brook
6 or stream in Frankfort and Winterport.

SECT. 6. Said company may take and hold any lands
2 necessary for reservoirs, hydrants, and other necessary
3 structures, and may locate, lay and maintain pipes,
4 hydrants, and other necessary structures or fixtures in,
5 over and through any land for its purposes, and excavate
6 in and through such lands for such locations, construction
7 and maintenance. It may enter upon such lands, to make
8 surveys and locations and shall file in the registry of
9 deeds in said county of Waldo, plans for such locations
10 and lands, showing the property taken.

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

SECT. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations

3 and inhabitants of said towns of Winterport and Frank
4 fort, or any village corporation or association in said
5 towns, for the purpose of supplying water as contemplated
6 by this act, and said towns of Winterport and Frankfort,
7 or part thereof, are hereby authorized by its selectmen to
8 enter into contract with said company for a supply of
9 water for any and for all purposes mentioned in this act,
10 and for such exemption from public burden as said towns
11 and said company may agree, which, when made, shall be
12 legal and binding upon all parties thereto. Any village
13 corporation in said towns through its assessors is also
14 authorized to contract with said company for water for all
15 public purposes.

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

SECT. 10. The capital stock of said company shall be
2 ten thousand dollars, which may be increased to fifty thou-
3 sand dollars by a vote of said company, and said stock
4 shall be divided into shares of twenty-five dollars each.

SECT. 11. Said company for all of its said purposes, may
2 hold real and personal estate necessary and convenient
3 therefor, not exceeding in amount one hundred thousand
4 dollars.

SECT. 12. Said company may issue its bonds for the con-
2 struction of its works of any and all kinds, upon such

3 rates and time as it may deem expedient, not exceeding
4 the sum of fifty thousand dollars, and secure the same by
5 mortgage of the franchise and property of said company.

SECT. 13. The first meeting of said company may be
2 called by a written notice thereof, signed by any three
3 corporators herein named, served upon each corporator, by
4 giving him the same in hand, or by leaving the same at his
5 last usual place of abode, seven days before the time of
6 meeting.

SECT. 14. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 30, 1895. }

Reported by Mr. WHELDEN of Portland, from Committee on Legal
Affairs, and ordered printed under House rules.

W. S. COTTON, *Clerk.*