

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 165.

STATE OF MAINE.

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

AN ACT to incorporate the Gorham Water Company.

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

SECTION 1. Frank H. Emery, Frederick Robie, Henry
2 R. Millett, Joseph Ridlon, George H. Griffin, Joseph F.
3 Shackford, Roscoe G. Harding, Milton Shaw, John S.
4 Leavitt, Edward W. Guptill, John A. Waterman, Isaac
5 W. Dyer, their associates, successors and assigns, are
6 hereby made a corporation by the name of the Gorham
7 Water Company, for the purpose of conveying to and
8 supplying the inhabitants of Gorham with water for all
9 domestic, sanitary and municipal purposes, with all the
10 rights and privileges, and subject to all the liabilities and

11 obligations of similar corporations under the general laws
12 of the State of Maine.

SECT. 2. Said corporation is hereby authorized, for the
2 purposes aforesaid, to take, hold and convey to said town
3 of Gorham, and through any part thereof, or any adjoin-
4 ing town, water from the Little River in said town of
5 Gorham, or from any other supply which may be selected
6 within said town of Gorham, or any adjoining town except
7 Sebago lake and the Presumpscot river; said rights to a
8 supply to include a supply by contract or lease from any
9 other corporation or person; to survey for, locate, lay,
10 erect, and maintain suitable dams, reservoirs and machin-
11 ery, pipes, aqueducts, hydrants and fixtures; to carry its
12 pipes or aqueducts under or over any water course, creek,
13 river, bridge, street, highway, or other way, but in such
14 manner, however, as not to obstruct the same, and for that
15 purpose to enter upon and excavate any street, road or way
16 in such a manner as not to unnecessarily obstruct the
17 same, and to take up, replace and repair all such pipes,
18 aqueducts and fixtures as may be necessary for said pur-
19 poses, and to enter upon, pass over, excavate and flow
20 any lands and to take and hold by purchase or otherwise,
21 any real estate, rights of way or water. And said corpo-
22 ration is further authorized for the purpose of making all
23 necessary repairs, surveys or connections, to lay its mains
24 and pipes through any private or public lands or ways,
25 with the right to enter upon the same and dig therein, and
26 said corporation may establish written regulations for the
27 use of said water. Said Gorham Water Company shall
28 be responsible for all damages to persons and property
29 occasioned by such use of said streets and ways. Said

30 Gorham Water Company may also lay and maintain its
31 mains and pipes under or across any railroad, if agree-
32 ment with the railroad company can be had, or if such
33 agreement cannot be had, upon such terms and conditions
34 as may be determined by the railroad commissioners.

Said water company shall be liable in all cases to repay
36 to any railroad company or town all sums of money that
37 such railroad company or townhall be obliged to pay
38 on any judgment recovered against them for damages
39 occasioned by any obstruction, taking up or displacement
40 of its railroad by said Gorham Water Company, in the
41 case of a railroad company, or in the case of a town by
42 reason of any defect in any highway, way or street,
43 therein occasioned by any fault or neglect of said Water
44 Company, together with reasonable counsel fees and
45 expenses necessarily incurred in defending such railroad
46 or town in all actions therefor, provided, however, that
47 said Gorham Water Company shall have notice of the
48 commencement of any and all suits for such damage and
49 that said water company shall have the right to defend
50 any such action at its own expense.

SECT. 3. Said Gorham Water Company shall file in the
2 registry of deeds in the county of Cumberland, plans and
3 descriptions of the location of all lands and water rights
4 taken under the provisions of this act, and no entry shall
5 be made upon any land, except to make surveys, until the
6 expiration of twenty days from such filing, and with such
7 plan the corporation may file a statement of the damages
8 it is willing to pay to any person or corporation for any
9 property so taken, and if the amount finally awarded does
10 not exceed that sum the company shall recover costs against

11 said person or corporation, otherwise such person or cor-
12 poration shall recover such costs against said company.

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

SECT. 5. The capital stock of said corporation shall be
2 fixed at a sum not exceeding one hundred thousand dol-
3 lars 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 or convenient
6 therefor and not exceeding one hundred thousand dollars.

SECT. 6. Said Gorham Water Company is hereby
2 authorized to make contracts with said town of Gorham,
3 and with other towns and corporations, associations and
4 individuals for the purpose of supplying them with water
5 as contemplated by this act, and also for the purpose of
6 procuring a supply of water for its own purposes may
7 contract for such supply with any other corporation or
8 individual, and use the same for the purposes hereunder.
9 Said town of Gorham, by its selectmen, or by its duly
10 authorized agents, is hereby authorized to enter into

11 contracts with said Gorham Water Company for the sup-
12 ply of water, and from such exemption from public
13 burden as said town and said company may agree upon,
14 which, when made, shall be legal and binding upon all
15 parties thereto. Manufacturing and other corporations
16 are hereby authorized to subscribe and hold stock of said
17 Gorham Water Company.

SECT. 7. Said corporation may issue its bonds for the
2 construction of its works upon such rates and times as it
3 may deem expedient, to an amount not exceeding the
4 amount of its capital stock subscribed for, and secure the
5 same by mortgage of the franchises and property of said
6 company.

SECT. 8. The first meeting of said corporation shall be
2 called by written notice thereof signed by any two corpora-
3 tors herein named, served upon each corporator by giving
4 him the same in hand or by leaving same at his last usual
5 place of abode seven days before the time of said meeting.

SECT. 9. This act shall become null and void in two
2 years from the approval hereof, unless said corporation
3 shall have organized and commenced actual business under
4 this charter.

SECT. 10. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 20, 1895. }

Reported by Mr. LARRABEE of Portland, from Committee on Judiciary. and ordered printed under joint rules.

W. S. COTTON, *Clerk.*