

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)

NEW DRAFT.

Sixty-Seventh Legislature.

SENATE.

No. 79.

STATE OF MAINE.

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

AN ACT to incorporate the York Shore Water Company.

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

SECTION 1. Josiah Chase, Lindley M. Webb, Will R.
2 Howard, Wilson L. Hawkes, Hartley W. Mason, Jeremiah
3 P. Simpson, John E. Norwood, John H. Varreli and John
4 L. Chase with their associates and successors, are hereby
5 made a corporation, by the name of the York Shore Water
6 Company, for the purpose of supplying the towns of York
7 and Wells, or any part thereof, and the residents therein,
8 with pure water for domestic and municipal purposes,
9 including the extinguishment of fires.

SECT. 2. Said corporation may hold real and personal
2 estate, necessary and convenient for the purposes aforesaid,
3 not exceeding in amount three hundred thousand dollars.

SECT. 3. Said corporation is hereby authorized for the
2 purposes aforesaid, to take, hold, protect and use the
3 water of Chase's pond in said town of York, and all other
4 ponds and streams tributary thereto or running therefrom ;
5 and is also authorized to erect and maintain dams and res-
6 ervoirs, and lay down and maintain pipes and aqueducts
7 necessary for the proper accumulating, conducting, dis-
8 tributing, discharging and disposing of water ; and said
9 corporation may take and hold, by purchase or otherwise,
10 any lands or other real estate necessary for any of the
11 purposes aforesaid, and for the protection of the water-
12 shed of said Chase's pond, and may excavate through any
13 lands when necessary for the purposes of this incorpora-
14 tion.

Provided, however, that before taking water from said
16 pond, or erecting any structure or laying any pipes at the
17 outlet of said pond for that purpose, said corporation
18 shall obtain the consent therefor in writing of the person
19 or persons who control the water thereof.

SECT. 4. Said corporation shall be liable to pay all
2 damages that shall be sustained by any persons by the
3 taking of any lands or other property, or by flowage or
4 excavatings, or by building dams and reservoirs or laying
5 down pipes and hydrants ; and if any person sustaining
6 damage as aforesaid and said corporation shall not
7 mutually agree upon the sum to be paid therefor, such
8 person or said corporation may cause the damage to be
9 ascertained in the manner prescribed by law in case of
10 damage by laying out highways.

SECT. 5. Said corporation is hereby authorized to lay,
2 construct and maintain, in, through, under and along the

3 highways, streets, railroads, bridges and water courses in
4 said towns, all such aqueducts, pipes, hydrants and
5 structures as may be necessary for the purposes of this
6 incorporation, and to take up, replace and repair the same,
7 under such restrictions and regulations as the selectmen
8 of said town may impose. Provided that in case of any
9 crossing of a railroad, unless said corporation shall agree
10 with the company owning and operating such railroad, as
11 to place, manner and conditions of the crossing, the rail-
12 road commissioners shall determine the place, manner and
13 conditions of such crossing; and all work within the limits
14 of such railroad location shall be done under the super-
15 vision and to the satisfaction of the officers of such railroad
16 company, but at the expense of this corporation.

Said corporation shall be liable to pay to said towns all
18 sums recovered against them for damages from obstruc-
19 tions or defects of said streets and highways, caused by
20 said corporation, and for all expenses, including reason-
21 able counsel fees incurred in defending such suits, with
22 interest on the same.

SECT. 6. Said corporation is hereby authorized to lay,
2 construct and maintain its pipes under, in and over tidal
3 waters, and to build and maintain all necessary structures
4 therefor, all to be done at such places as may be necessary
5 for the purposes of said corporation, and not to obstruct
6 navigation.

SECT. 7. Said corporation is hereby authorized to make
2 contracts, with the inhabitants of said towns, and individuals
3 therein, and with other corporations, for the purposes of
4 supplying water as contemplated by this act; and said
5 towns by their selectmen are hereby authorized to contract

6 with said company for a supply of water for municipal or
7 other purposes as said towns and said company may agree,
8 which shall be legal and binding upon all parties thereto.

SECT. 8. Said corporation shall have power to cross any
2 public or private sewer, or to change the direction thereof
3 when necessary for the purposes of this incorporation, but
4 in such manner as not to obstruct or impair the use thereof;
5 and said corporation shall be liable for any injury caused
6 thereby.

SECT. 9. Any person who shall wilfully injure any of
2 the property of said corporation, or who shall knowingly
3 corrupt in any manner whatever the waters of the said
4 Chase's pond or any pond or stream tributary thereto, or
5 render them impure, whether the same be frozen or not,
6 or who shall throw the carcasses of dead animals or other
7 offensive matter into said waters, or who shall leave such
8 carcasses or other offensive matter within the limits of the
9 watershed of said Chase's pond, or who shall wilfully
10 destroy or injure any dam, reservoir, aqueduct, pipe,
11 hydrant or other property owned or held by said corpora-
12 tion for the purposes of this act, shall be punished by a
13 fine not exceeding one thousand dollars or by imprison-
14 ment not more than one year, and shall be liable to said
15 corporation for three times the actual damage, to be recov-
16 ered in any proper action.

SECT. 10. The capital stock of said corporation shall
2 not exceed one hundred thousand dollars, and shall be
3 divided into shares of one hundred dollars each.

SECT. 11. Said corporation may issue its bonds for the
2 construction and maintenance of its works upon such rates
3 and for such time as it may deem expedient, not exceeding

4 its capital stock, and secure the same by mortgage of the
5 franchise and property of said company.

SECT. 12. The first meeting of said corporation may be
2 called by written notice thereof, signed by any two corpo-
3 rators herein named, served on each corporator by giving
4 him the same in hand, or by sending the same by mail
5 to his last known place of residence at least thirty days
6 before the time of meeting.

SECT. 13. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 12, 1895.

Reported in the House from Committee on the Legal Affairs, and passed to be engrossed. In Senate, laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.