

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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SENATE.

No. 66.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Livermore Falls Water Company.

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

Section 1. J. H. Maxwell, W. A. Stuart, J. L. Cummings, D. J. Bogan, and A. C. Fuller of East Livermore, with their associates and successors, are hereby made a corporation by the name of the Livermore Falls Water Company, for the purpose of supplying the inhabitants of Livermore Falls Village, Chisholms Mills and Jay Bridge with suitable water for domestic, sanitary and municipal purposes, including extinguishment of fires, with all the privi-

9 leges, and subject to all the liabilities and obligations of  
10 similar corporations under the general law of this state.

Sect. 2. The place of business of said corporation shall be  
2 at the village of Livermore Falls, in the town of East Liver-  
3 more, in the county of Androscoggin; and its business shall  
4 be confined to the towns of East Livermore, Livermore and  
5 Jay.

Sect. 3. For any of the purposes aforesaid, or for the  
2 preservation and purity of said water, said corporation is  
3 hereby authorized to take and use water from the Andros-  
4 coggin river for fire purposes only, or from any spring,  
5 brook or pond in either of the towns of East Livermore,  
6 Livermore or Jay. To conduct and distribute the same  
7 into and through the said towns of East Livermore, Liver-  
8 more, and Jay. To survey for, locate, lay, erect and main-  
9 tain suitable dams, reservoirs and machinery, pipes, aque-  
10 ducts and fixtures to carry its pipes, or aqueducts, under, in  
11 or over the Androscoggin river, so called, or under or over  
12 any water course, bridge, street, railroad, highway, or other  
13 way, and said corporation is further authorized to enter  
14 upon, and excavate any highway, or other way, in such  
15 manner as least will obstruct the same, to enter, pass over  
16 and excavate any lands, and to take, and to hold by pur-  
17 chase, or otherwise any real estate, rights of way, or of  
18 water, and in general to do all acts necessary, convenient  
19 or proper for carrying out any of the purposes herein before  
20 specified, and said corporation is further authorized, for the  
21 purpose of making all needed repairs, or extensions, or ser-  
22 vice connections, to lay its pipes through any public or

23 private lands, or ways, with the right to enter upon the same,  
24 or dig therein, and said corporation may make written regu-  
25 lations for the use of said water, and change the same from  
26 time to time.

Sect. 4. Said corporation shall be liable to pay all dam-  
2 ages that shall be sustained by any person or corporation, by  
3 the taking of any land, water or other property, or by  
4 excavating through any land for the purpose of laying down  
5 pipes, and aqueducts, or building any reservoirs, stand pipes,  
6 or other structures, herein authorized to be built. If any  
7 person sustaining damages as aforesaid, and said corpora-  
8 tion cannot mutually agree upon the sum to be paid, there-  
9 for either party on petition to the county commissioners of  
10 the county in which the land lies, filed one year after the  
11 filing in the register of deeds of the plans required by  
12 chapter 284, of the Laws of 1889, entitled: An Act to  
13 prescribe the manner of taking of land and other property  
14 by water companies, may have said damages assessed by  
15 said county commissioners and subsequent proceedings  
16 and rights of appeal thereon, shall be had in the same  
17 manner, and under the same conditions, restrictions, and  
18 limitations, as are by law prescribed in the case of damages,  
19 by laying out of highways, so far as such law is consistent  
20 with the provisions of this act. No action shall be brought  
21 against the said corporation for such taking, holding or  
22 occupying, until the expiration of thirty days after final  
23 judgment upon such petition. Failure to file such petition  
24 by any person claiming to sustain such damages within one  
25 year, shall be held to be a waiver of them.

Sect. 5. Said Livermore Falls Water Company may also  
2 lay, and maintain its mains and pipes under or across any  
3 railroad, if the agreement with the railroad company can be  
4 had, or if such agreement cannot be had, at such place and  
5 upon such terms and conditions, as may be determined by  
6 the railroad commissioners, and all work within the limits  
7 of the railroad location shall be done under the supervision  
8 and to the satisfaction of the railroad company, but at the  
9 expense of said water company. Said water company shall  
10 be liable, in all cases to repay to any railroad company, or  
11 town, all sums of money that such railroad company, or  
12 town shall be obliged to pay on any judgment recovered  
13 against it, for damages occasioned by any obstruction, tak-  
14 ing up, or displacement of its railroad, by said Livermore  
15 Falls Water Company in the case of a railroad company, or  
16 in the case of a town by reason of any defect in any high-  
17 ways, or street therein occasioned by any fault, or neglect of  
18 said water company, together with a reasonable counsel fees  
19 and expenses, necessarily incurred in defending such rail-  
20 road or town in all actions therefor; provided however that  
21 said Livermore Falls Water Company shall have notice of  
22 the commencement of any, and all suits for such damage,  
23 and that said water company shall have the right to defend  
24 any such action at its own expense.

Sect. 6. Said Livermore Falls Water Company shall file  
2 in the registry of deeds in the county where the lands and  
3 water rights taken are situated, plans and descriptions of the  
4 location of all lands and water rights, taken under the  
5 provision of this act, and no entry shall be made upon any

6 land, except to make surveys, until the expiration of twenty  
7 days from such filing, and with such plan, the corporation  
8 may file a statement of the damages it is willing to pay to  
9 any person, or corporation, for any property so taken, and if  
10 the amount finally awarded does not exceed that sum, the  
11 company shall recover the cost, against said person, or cor-  
12 poration; otherwise such person, or corporation shall recover  
13 such cost against said company.

Sect. 7. Said corporation may take and hold by lease, or  
2 by purchase, real or personal estate, necessary and conven-  
3 nient for the purpose aforesaid, not exceeding one hundred  
4 thousand dollars.

Sect. 8. The capital stock of said corporation shall be one  
2 hundred thousand dollars, which may be increased to two  
3 hundred thousand dollars, by a majority vote of said cor-  
4 poration, and said stock shall be divided into shares of par  
5 value of one hundred dollars each.

Sect. 9. Said corporation is hereby authorized to make  
2 contracts with said towns of East Livermore, Livermore  
3 and Jay, or with any village corporation, which may here-  
4 after exist in said towns of East Livermore, Livermore and  
5 Jay, and with other corporations and individuals for the  
6 purpose of supplying water, as contemplated by this act,  
7 and said towns of East Livermore, Livermore and Jay, by  
8 their selectmen and said village corporation, or corpora-  
9 tions, by its assessors, are hereby authorized to enter into  
10 contract with said water company for the supply of water,  
11 and for such exemption from public burdens as said towns

12 and such village corporation or corporations, and said com-  
13 pany may agree upon, which, when made, shall be legal and  
14 binding upon all parties thereto.

Sect. 10. 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. 11. The first meeting of said corporation shall be  
2 called by written notice thereof, signed by any two corpo-  
3 rators 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. 12. And the Livermore Falls Water Company  
2 agrees to furnish the town of East Livermore ten (10)  
3 hydrants for five (5) years free of all expense.

Sect. 13. And the Livermore Falls Water Company here-  
2 by agrees to sell its plant or franchise to the said town of  
3 East Livermore for a reasonable compensation thereof at  
4 any period within twenty years. If the said Livermore  
5 Falls Water Company and the selectmen of said town of  
6 East Livermore cannot agree upon the sum to be paid for  
7 said plant or franchise, then either party, may petition to  
8 any justice of the supreme judicial court who shall appoint  
9 three disinterested men who shall, after examination of said

10 plant or franchise, and hearing of the parties, make award  
11 or appraisal, which shall be binding on all parties thereto.

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



STATE OF MAINE.

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IN SENATE, February 11, 1897.

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

KENDALL M. DUNBAR, *Secretary.*