

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)

Sixty-Eighth Legislature.

SENATE.

No. 112.

STATE OF MAINE.

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

AN ACT to incorporate the City of Deering Water Company.

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

Section 1. Wyer P. Ayer, Elbridge Matthews, George M.
2 Cram, Francis D. Coleman, Fred V. Matthews, John E. Saw-
3 yer and William W. Merrill and such persons as they may
4 associate with themselves in the enterprise, are hereby cor-
5 porated into a corporation by the name of the Deering
6 Water Company, for the purpose of supplying the city of
7 Deering in the county of Cumberland and State of Maine,
8 with pure water for domestic, sanitary and municipal pur-
9 poses, the extinguishment of fires, the supply of shipping,
10 and the use of manufactories.

Sect. 2. Said corporation for said purposes shall have
2 power and is hereby authorized to detain, take, store, use

3 and distribute water from Duck pond in the city of West-
4 brook and town of Falmouth, and from all streams flowing
5 therefrom and tributary thereto, and also authorized to
6 erect and maintain dams and reservoirs, and to lay down
7 and maintain pipes and aqueducts necessary for the proper
8 accumulation, conducting, discharging, distributing and dis-
9 posing of water and forming proper reservoirs therefor.
10 And said corporation may take and hold by purchase or
11 otherwise, any lands or real estate necessary for the pur-
12 poses of this corporation.

Sect. 3. Said corporation is hereby authorized for the pur-
2 poses aforesaid, to erect a dam or dams at the outlet of said
3 Duck pond or elsewhere, of sufficient height and strength to
4 increase the capacity of said pond for the holding of water,
5 to the extent of four feet higher than its present mean level,
6 and to establish and maintain a pump and any necessary
7 engines at such places as shall be necessary and conven-
8 ient.

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

Sect. 5. Said corporation is hereby authorized to lay down,
2 in, and through the streets and ways in the cities of West-
3 brook and Deering and said town of Falmouth, and to take
4 up, and replace, and repair, all such pipes, aqueducts, and
5 fixtures as may be necessary for the purpose of their incor-
6 poration. Whenever said company shall lay down any fix-
7 tures in any highway, way, or street, or make any altera-

8 tions or repairs upon its works in any highway, way, or
9 street, it shall cause the same to be done with as little
10 obstruction to public travel as may be practicable and shall
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced in
13 proper condition. And said corporation shall be responsi-
14 ble for all damages to persons and property occasioned by
15 the use of such streets and ways and shall further be liable
16 to pay to said town or cities all such sums recovered against
17 said town or cities for damages from obstruction or defects
18 of said streets and ways, caused by said corporation, and for
19 all expenses, including reasonable counsel fees incurred in
20 defending such suits, with interest on the same.

Sect. 6. Said corporation may take and hold any lands
2 necessary for flowage, and also for its dams, reservoirs, locks,
3 gates, hydrants and other necessary structures, and may
4 locate, lay and maintain, pumps, engines, sluices, aqueducts,
5 pipes, hydrants, and other necessary structures or fixtures
6 in, over, and through any lands, and under any railroads,
7 highway, streets, or other ways or over any bridges, in such
8 manner as least to obstruct the same for its said purposes;
9 and excavate in and through such lands for such location,
10 construction, and maintenance. It may enter upon such
11 lands to make surveys and locations, and shall file in the
12 registry of deeds in said county of Cumberland, plans of
13 such location and lands, showing the property taken, and
14 within thirty days thereafter, publish notice of such filing
15 and of taking in some newspaper in said county, such pub-
16 lication to be continued three weeks successively. Not
17 more than two rods in width of land shall be occupied by any

18 one line of pipes or aqueducts and not more than five acres
19 by any one reservoir.

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 or the corporation, may within twelve months after
5 said filing of plans and location, apply to the commissioners
6 of said county of Cumberland, and cause such damages to
7 be assessed in the same manner and under the same condi-
8 tions, restrictions and limitations as are by law prescribed
9 in the case of damages by the laying out of highways, so
10 far as such law is consistent with the provisions of this act.
11 If said company shall fail to pay such land owner, or deposit
12 for his use with the clerk of the county commissioners afore-
13 said, such sum as may be finally awarded as damages, with
14 costs, when recovered by him, within ninety days after notice
15 of final judgment shall have been received by the clerk of
16 courts of said county, and said location shall be thereby
17 invalid, and said company shall forfeit all rights under the
18 same, as against such land owner. Said company may make
19 a tender to any land owner damaged under the provisions
20 of this act, and if such land owner recovers more damages
21 than were tendered him by said company, he shall recover
22 costs, otherwise said company shall recover costs. In case
23 said company shall begin to occupy such lands before the
24 rendition of final judgment, the land owner may require
25 said company to file its bonds to him with said county com-
26 missioners, in such sum and with such sureties as they may
27 approve, conditioned for said payment or deposit. No
28 action shall be brought against said company for such tak-
29 ing, holding and occupying until after such failure to pay

30 or deposit as aforesaid. Damages caused by flowage are to
31 be ascertained and paid in the same manner.

Sect. 8. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have
3 his damages ascertained in the manner provided in the pre-
4 ceding section, and payment thereof shall be made in the
5 same manner and with the same effect. No action shall be
6 brought for the same until after the expiration of the time
7 of payment.

Sect. 9. Said corporation is hereby authorized to make
2 contracts with the United States, the State of Maine, and
3 with corporations and inhabitants of said cities of Deering
4 and Westbrook and town of Falmouth for the purpose of
5 supplying water, as contemplated by this act. And said
6 cities of Deering and Westbrook and town of Falmouth is
7 hereby authorized by their municipal officers to enter into
8 contract with said company, for a supply of water for any
9 and all purposes mentioned in this act, and for such exemp-
10 tion from public burden as said municipality and said com-
11 pany may agree upon, which when made shall be legal and
12 binding upon all parties hereto. The city of Deering is
13 hereby authorized to purchase stock in said corporation in
14 pursuance of a vote of the city council thereof, made in
15 accordance with the provisions of section fourteen of the
16 charter of said city of Deering.

Sect. 10. Whoever shall willfully and maliciously corrupt
2 the water of said pond, or any of the tributaries thereto,
3 whether frozen or not, or in any way render such waters
4 impure, whether frozen or not, or whoever shall willfully or
5 maliciously injure any of the works of said company shall
6 be punished by fine, not exceeding one thousand dollars or

7 by imprisonment not exceeding two years, and shall be lia-
8 ble to said company for three times the actual damage, to
9 be recovered in any proper action.

Sect. 11. For the purpose of raising funds to be used in
2 the construction of its works and to carry out the purposes
3 for which it was created as provided by this act, said company
4 is hereby authorized to issue its bonds to an amount not
5 exceeding one hundred and twenty-five thousand dollars,
6 of such date and denomination, and payable at such times
7 as the said company may determine and to secure the said
8 bonds, both principal and interest by mortgage upon all its
9 property both real and personal, and also upon the franchise
10 of the corporation.

Sect. 12. The capital stock of said corporation shall not
2 be less than one thousand dollars, divided into shares of
3 twenty-five dollars each, which may, by vote of said com-
4 pany be increased so as not to exceed one hundred thousand
5 dollars.

Sect. 13. The first meeting of said corporation may be
2 called by any three of the within named corporators, by pub-
3 lishing notice of the time and place and object thereof, in
4 any newspaper published in the county of Cumberland, at
5 least seven days before the time of holding said meeting;
6 and at said meeting the officers of said corporation may be
7 chosen and such other corporation business done as may be
8 deemed requisite and proper.

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

STATE OF MAINE.

IN SENATE, February 25, 1897.

Pending reference in concurrence to Committee on Legal Affairs, laid on table to be printed on motion by Mr. DRUMMOND of Cumberland.

KENDALL M. DUNBAR, Secretary.