

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Ninth Legislature.

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HOUSE.

No. 261

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## STATE OF MAINE.

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

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AN ACT to incorporate the Lisbon and Topsham Water  
Company.

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

Section 1. Edward Plummer, H. A. Christopher, W. H.  
2 Newell, H. E. Plummer, W. E. Plummer, Frank C. White-  
3 house, John A. Fisher, George E. Stinson, Charles S. Whit-  
4 ney, J. W. Wakefield, George L. Leonard and William T.  
5 Haines, with their associates, successors and assigns are  
6 hereby made a corporation by the name of the Lisbon and  
7 Topsham Water Company, for the purpose of conveying to  
8 and supplying the towns of Lisbon and Topsham, including  
9 the villages of Lisbon, Lisbon Falls, Pejepsot and Topsham,  
10 and any other villages which may hereafter be organized in

11 either of said towns of Lisbon and Topsham in the county  
12 of Androscoggin and State of Maine, with pure water.

Sect. 2. Said corporation for said purposes may hold real  
2 and personal estate necessary and convenient therefor to an  
3 amount equal to the amount of the capital stock issued by  
4 this corporation.

Sect. 3. Said corporation is hereby authorized for the pur-  
2 poses aforesaid, to take, collect, store, flow, use, detain, dis-  
3 tribute and convey to the towns of Lisbon and Topsham  
4 aforesaid, or any village or villages therein, water from any  
5 stream, lake, pond, or springs situated in the towns of Bow-  
6 doin, Webster, Lisbon, Topsham, Durham, or from Sabat-  
7 tus pond, in the State of Maine, and it is also authorized to  
8 locate, construct and maintain dams, pumps, reservoirs, locks,  
9 gates, sluices, aqueducts, pipes, conduits, stand pipes, hy-  
10 drants and all the necessary structures therefor; and said  
11 corporation may take as for public purposes by purchase, or  
12 in any other lawful way, and hold any lands or real estate  
13 necessary therefor, and may excavate through any lands  
14 when necessary for the purposes of this corporation. It may  
15 enter upon such lands to make surveys and locations and shall  
16 file in the registry of deeds for the county wherein located,  
17 plans and a description of such locations and lands taken, or  
18 in which an easement is taken under the provisions of this  
19 act, and a statement of the purposes for which lands and  
20 easements are taken, and such plans and description shall  
21 be recorded by the register; and such lands or easements  
22 shall be deemed to be taken on the filing of such certificate,  
23 but such corporation shall not enter on such lands until the  
24 expiration of ten days from such filing.

Sect. 4. Said corporation shall be liable to pay all damages  
2 that shall be sustained by any person by the taking of any  
3 land or other property, or by flowage, or by excavation

4 through any land for the purpose of laying down pipes and  
5 aqueducts, building dams, stand pipes, reservoirs, and pump-  
6 ing plant; and if any person sustaining damages as aforesaid  
7 and said corporation cannot mutually agree upon the sum to  
8 be paid therefor, then such person may cause his damages to  
9 be ascertained in the same manner and under the conditions,  
10 restrictions and limitations as are by law prescribed in the  
11 case of damages by laying out of railroads.

Sect. 5. Application shall be made by the land owner to  
2 the commissioners of the county wherein located, at any time  
3 within a period of two years from the taking of such land or  
4 other property, or by the doing of other injury under the  
5 authority of this act; but if no application is made within the  
6 two years as aforesaid, the party claiming to have suffered  
7 damage shall be deemed to have waived his claim therefor.  
8 The said corporation may make a tender to any land owner  
9 damaged under the provisions of this act, and if such land  
10 owner recovers more damages than were tendered him by  
11 the said corporation, he shall recover costs, otherwise the said  
12 corporation shall recover costs.

Sect. 6. The capital stock of this corporation shall be fixed  
2 by the incorporation and associates at any regularly and  
3 legally held meeting by a majority vote thereof not to exceed  
4 two hundred thousand dollars. Said stock shall be divided  
5 into shares of one hundred dollars each.

Sect. 7. Said corporation is hereby authorized to lay down,  
2 in and through the streets and ways of said towns of Lisbon  
3 and Topsham and any village or villages therein, and to take  
4 up, replace and repair all such pipes, aqueducts and fixtures  
5 as may be necessary for the purposes of its incorporation.  
6 Said corporation shall be held responsible for all damages to  
7 persons and property occasioned by the use of such streets  
8 and ways, and shall be liable to pay to said towns all sums

9 recovered against said towns for damages from obstructions  
10 caused by said corporation, including reasonable legal  
11 expenses thereby incurred.

Sect. 8. Said corporation is hereby authorized to make  
2 contracts with said towns of Lisbon and Topsham, or any  
3 village corporation now existing or hereafter created in said  
4 towns of Lisbon and Topsham and with other corporations  
5 and persons for the purpose of supplying water as contem-  
6 plated under this act, and particularly to supply water for the  
7 extinguishment of fires through hydrants within any vil-  
8 lage or villages situated in the towns of Lisbon and Topsham,  
9 or to any other portion of said towns and either of said towns  
10 of Lisbon and Topsham or any village corporation duly  
11 organized therein by their selectmen, or other duly author-  
12 ized officers, may enter into a contract with this corporation  
13 for the supply of water for public purposes within said towns  
14 for a term of years, and the consideration for any contract  
15 for said supply of water may include the payment of any tax  
16 which may be assessed upon the property or franchise of the  
17 said corporation by the said towns of Lisbon and Topsham  
18 or any other municipal corporation organized therein as part  
19 of the consideration for supply of said water, as said towns  
20 or any municipal corporation therein may mutually agree  
21 upon by vote to make with this corporation.

Sect. 9. Said corporation shall have power to cross any  
2 water course, railways or private ways, private or public  
3 sewers, or change the direction of such sewers when neces-  
4 sary for the purposes of its incorporation, but in such man-  
5 ner as not to obstruct or impair the use thereof; and said  
6 corporation shall be liable for any injury caused thereby.  
7 Whenever the said corporation shall lay down any pipe in  
8 any street, it shall cause the same to be done with as little  
9 obstruction to public travel as may be practicable, and shall

10 at its own expense cause the earth and pavements removed  
11 by it to be replaced in proper condition.

Sect. 10. Said corporation may issue its bonds for the con-  
2 struction of its works upon such rates and times as it may  
3 deem expedient, not exceeding in the aggregate to the  
4 amount of capital stock authorized and issued, and may  
5 secure the same by mortgage of the franchises and the prop-  
6 erty of said corporation.

Sect. 11. The first meeting of said corporation may be  
2 called by written notice thereof, signed by any one of the  
3 incorporators, by mailing the same to each corporator at  
4 his usual place of abode, postage prepaid at least seven days  
5 before the time of said meeting.

Sect. 12. This act shall take effect when approved.







STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 3, 1899.

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

W. S. COTTON, *Clerk.*