

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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HOUSE.

No. 305

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## STATE OF MAINE.

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

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AN ACT to incorporate the Scarboro Water Company.

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

Section 1. Ephraim Dyer, Frank E. Marr, and J. Scott  
2 Jordan, their associates and successors are hereby made a  
3 corporation by the name of the Scarboro Water Company  
4 for the purpose of conveying to and supplying the inhabi-  
5 tants of that part of Scarboro known as Higgins Beach, with  
6 water for all domestic, sanitary, industrial, municipal and  
7 commercial purposes, including the extinguishment of fires  
8 and sprinkling of streets, with all the rights and privileges  
9 and subject to all the privileges and liabilities and obliga-

10 tions of similar corporations under the general laws of this  
11 state. Provided, however, that the rights hereby granted  
12 shall extend over that part only of the town of Scarboro  
13 which is located east of a line running due north from a  
14 point on the coast at the southerly end of Higgins Beach,  
15 which point may be more particularly described as the  
16 southwesterly corner of land of James C. Jordan, and also  
17 provided, that the granting of this charter shall in no way  
18 interfere with the granting of a charter to other companies  
19 to supply other parts of Scarboro with water.

Sect. 2. Said corporation may take and hold by purchase  
2 or otherwise, real and personal estate necessary and con-  
3 venient for the purposes aforesaid to the amount of five  
4 thousand dollars.

Sect. 3. For any of the purposes aforesaid or for the  
2 preservation of the purity of said water said corporation is  
3 hereby authorized to take, collect, store and use water from  
4 springs of water in lands owned by Ann D. Jordan, situate  
5 in the town of Cape Elizabeth, in the county of Cumberland,  
6 to conduct aforesaid, to survey for, locate, erect, and main-  
7 tain suitable dams, gates, reservoirs, machinery, pipes,  
8 aqueducts, hydrants, and fixtures; to carry its pipes or aque-  
9 ducts under or over any water course, private or public  
10 sewer, bridge, street, railroad, highway or other way; also  
11 to take up, replace, or repair any of said pipes, dams, reser-  
12 voirs, or fixtures and said corporation is further authorized  
13 to enter upon and excavate any highway or other way in  
14 such a manner as least to obstruct the same, to enter, pass  
15 over, and excavate any lands, and to take and hold by pur-  
16 chase or otherwise any real estate, right of way or of water,  
17 and in general to do all acts necessary, convenient or proper  
18 for carrying out any of the purposes hereinbefore specified.  
19 And said corporation is further authorized for the purpose

20 of making all needed repairs or service connections to lay  
21 its pipes through any public or private land or way with the  
22 right to enter upon the same and dig therein; and said  
23 corporation may establish written regulations for the use  
24 of the water aforesaid and change the same from time to  
25 time. Provided that said company shall not have the right  
26 to use any private land or way for placing or repairing its  
27 pipes where a public way is available for the purpose, except  
28 by consent of the owner of such land or way.

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

Sect. 5. In case of failure to agree with any railroad com-  
2 pany as to place, manner, and condition of crossing its rail-  
3 road with such pipe, the place, manner, and condition of  
4 such crossings shall be determined by the railroad com-  
5 missioners, and all work within the limits of the railroad  
6 location and lands shall be done under the supervision and  
7 to the satisfaction of the officers and agents of the railroad  
8 company but at the expense of said water company.

Sect. 6. Said corporation shall be held liable to pay all  
2 damages that shall be sustained by any persons to them-  
3 selves or their property occasioned by the use of such  
4 streets and ways and shall pay to said towns all sums recov-  
5 ered against said towns for damages from obstructions

6 caused by said corporation, and for all expenses including  
7 reasonable counsel fees incurred in defending said suits with  
8 interest on the same, but said corporation may assume the  
9 defense of all suits brought to recover damages as aforesaid;  
10 and also for all damages sustained by any person by the  
11 taking of any lands, water, right of way, or other property,  
12 or by excavating through any land for the purpose of sur-  
13 veying, locating, laying or building dams, reservoirs, pipes,  
14 aqueducts and for any other injuries resulting from said  
15 acts, and if any person sustaining damages as aforesaid shall  
16 not agree with said corporation upon the sum to be paid  
17 therefor, either party on petition to the county commis-  
18 sioners of Cumberland county within twelve months after  
19 said plans are filed, may have said damages assessed by  
20 them and subsequent proceedings and right of appeal there-  
21 on shall be had in the same manner and under the same  
22 conditions, restrictions, and limitations as are by law pre-  
23 scribed in the case of damages by the laying out of high-  
24 ways. Failure to apply for damages within twelve months  
25 shall be held to be a waiver of the same.

Sect. 7. Said corporation is hereby authorized to lay  
2 down and maintain in and through the streets and highways  
3 of the towns aforesaid all such pipes, aqueducts, and fixtures  
4 as may be necessary for the purposes hereinbefore specified.  
5 Said town of Scarboro is hereby authorized to contract with  
6 said corporation for a supply of said water for fire and other  
7 purposes for a term of years and at the expiration of such  
8 contract to change or renew the same.

Sect. 8. If said company find it necessary to lay its pipes  
2 over tide waters it may build and maintain all necessary  
3 piers and other necessary structures causing as little obstruc-  
4 tion as possible.

Sect. 9. Whoever shall knowingly or maliciously corrupt  
2 the water supply of said corporation, whether frozen or not,  
3 or in any way render such water impure, or whoever shall  
4 wilfully or maliciously injure any of the works of said  
5 corporation shall be punished by fine not exceeding one  
6 thousand dollars or by imprisonment not exceeding two  
7 years and shall be liable to the said corporation for three  
8 times the actual damage, to be recovered in any proper  
9 action.

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

Sect. 11. The first meeting of said corporation may be  
2 called by a written notice thereof signed by any one of the  
3 corporators herein named, served upon each corporator by  
4 giving him the same in hand, or by leaving the same at his  
5 last and usual place of abode, seven days at least before said  
6 meeting.

Sect. 12. This act shall become null and void in two years  
2 from the time when the same takes effect unless the corpor-  
3 ation shall have organized and commenced the construction  
4 or operation of its works under this charter.

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







STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 6, 1901.

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

W. S. COTTON, *Clerk.*