

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 450

STATE OF MAINE.

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

AN ACT to incorporate the Prouts Neck Water Company.

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

Section 1. Ira C. Foss, Tryphenia Foss and Ida E. Foss,
2 their associates and successors, are hereby made a corpora-
3 tion by the name of the Prouts Neck Water Co. for the pur-
4 pose of conveying to and supplying the inhabitants of that
5 part of Scarboro known as Prouts Neck, and vicinity includ-
6 ing Pine Point, with water for all domestic, sanitary, indus-
7 trial, municipal and commercial purposes, including the ex-
8 tinguishment of fires and sprinkling of streets, with all the
9 rights and privileges and subject to all the privileges and
10 liabilities and obligations of similar corporations under the
11 general laws of this state. Provided, however, that the
12 rights hereby granted shall extend over that part only of the
13 town of Scarboro which is located west of a line running

14 due north from a point on the coast at the southerly end of
15 Higgins Beach, which point may be more particularly
16 described as the southwesterly corner of land of James C.
17 Jordan, and shall not prevent John M. Kaler or his heirs
18 and assigns from maintaining the existing system of water
19 works now maintained by him and making extensions of
20 the same and conducting his business as now conducted.

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 not
4 exceeding one hundred thousand dollars.

Sect. 3. For any of the purposes aforesaid or for the pre-
2 servation of the purity of said water said corporation is
3 hereby authorized to take, collect, store and use water from
4 springs, wells or ponds of water in lands situate in that
5 part of the town of Scarborough above mentioned, in the
6 county of Cumberland, excepting, however, the springs or
7 well, on the lands of John M. Kaler, and lands which he may
8 hereafter acquire, to conduct aforesaid, to survey for, locate,
9 erect, and maintain suitable dams, gates, reservoirs, machin-
10 ery, pipes, aqueducts, hydrants, and fixtures; to carry its
11 pipes or aqueducts under or over any water course, private
12 or public sewer, bridge, street, railroad, highway or other
13 way; also to take up, replace, or repair any of said pipes,
14 dams, reservoirs, or fixtures, and said corporation is further
15 authorized to enter upon and excavate any highway or
16 other way in such a manner as least to obstruct the same,
17 to enter, pass over, and excavate lands, and to take and hold
18 by purchase or otherwise any real estate, right of way or of
19 water, and in general to do all acts necessary, convenient
20 or proper for carrying out any of the purposes hereinbefore
21 specified. And said corporation is further authorized for

22 the purpose of making all needed repairs or service connec-
23 tions to lay its pipes through any public or private land or
24 way with the right to enter upon the same and dig
25 therein; and said corporation may establish written regula-
26 tions for the use of the water aforesaid and change the same
27 from time to time.

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 such
4 crossings shall be determined by the railroad commission-
5 ers, and all work within the limits of the railroad location
6 and lands shall be done under the supervision and to the
7 satisfaction of the officers and agents of the railroad com-
8 pany 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 streets
4 and ways and shall pay to said towns all sums recovered
5 against said towns for damages from obstructions caused by
6 said corporation, and for all expenses including reasonable
7 counsel fees incurred in defending said suits with interest on

8 the same, but said corporation may assume the defense of all
9 suits brought to recover damages as aforesaid; and also for
10 all damages sustained by any person by the taking of any
11 lands, water, right of way, or other property, or by excavat-
12 ing through any land for the purpose of surveying, locating,
13 laying or building dams, reservoirs, pipes, aqueducts, and
14 for any other injuries resulting from said acts, and if any
15 person sustaining damages as aforesaid shall not agree with
16 said corporation upon the sum to be paid therefor, either
17 party on petition of the county commissioners of Cum-
18 berland county within twelve months after said plans are
19 filed, may have said damages assessed by them and subse-
20 quent proceedings and right of appeal thereon shall be had
21 in the same manner and under the same conditions, restric-
22 tions, and limitations as are by law prescribed in the case of
23 damages by the laying out of highways. Failure to apply
24 for damages within twelve months shall be held to be a
25 waiver of the same.

Sect. 7. Said corporation is hereby authorized to lay down
2 and maintain in and through the streets and highways of the
3 town aforesaid all such pipes, aqueducts, and fixtures as may
4 be necessary for the purposes hereinbefore specified. Said
5 town of Scarboro is hereby authorized to contract with said
6 corporation for a supply of said water for fire and other pur-
7 poses for a term of years and at the expiration of such con-
8 tract 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 piers
3 and other necessary structures causing as little obstruction
4 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 cor-
5 poration shall be punished by fine not exceeding one thou-
6 sand dollars or by imprisonment not exceeding two years
7 and shall be liable to the said corporation for three times
8 the actual damage, to be recovered in any proper action.

Sect. 10. The capital stock of said corporation shall be
2 twenty-five thousand dollars and may be increased to an
3 amount not exceeding one hundred thousand dollars, and
4 the stock shall be divided into shares of one hundred dol-
5 lars 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 corpora-
3 tion 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.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 15, 1901.

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

W. S. COTTON, *Clerk.*