

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 329

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## STATE OF MAINE.

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

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AN ACT to supply the town of Lisbon with Pure Water.

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

Section 1. The town of Lisbon, by its municipal officers  
2 or by a commission as hereinafter provided, acting for and  
3 in behalf of said town, is authorized and empowered to take  
4 water from any river, lake, pond, stream, brook, spring or  
5 other water sources, natural or artificial, except the springs  
6 owned by the Sylvester Aqueduct Company, within the towns  
7 of Lisbon, Bowdoin, or Webster, and from the Little River  
8 stream, a part of which is in Topsham, sufficient for domestic  
9 purposes in said Lisbon, including a sufficient quantity to  
10 extinguish fires, supply hotels, laundries, livery stables, busi-

ness places and private dwellings, as well as for the sprinkling of lawns and streets, and for manufacturing purposes; and for the purposes aforesaid, to convey any of the waters aforesaid by aqueducts or pipes, sunk to any depth desirable for said purposes, and to lay such aqueducts or pipes under or over any water course, stream, brook, street, railroad, highway or other way, in such manner as not unreasonably to obstruct the same; and to lay down, in and through streets and ways in said town of Lisbon, and take up, replace and repair all such aqueducts, pipes or service pipes, as may be necessary to carry out the purposes of a complete system of water works.

Sect. 2. The town of Lisbon, by said municipal officers, or by said commission, may make any necessary contract with any person, company or corporation for acquiring the ownership of any aqueduct company or corporation, owning a system of water works, or any part thereof, in said town of Lisbon, whereby the said town of Lisbon, by its municipal officers or said commission, may be entitled to purchase the whole at any one time, or to purchase the same in installments through a period of years.

Sect. 3. For the purpose of carrying out the provisions of this act, said town of Lisbon, by its municipal officers, or said commission, shall have power, and is hereby authorized to take and hold by purchase, or otherwise, any lands or real estate, excepting the springs owned by the Sylvester Aqueduct Company, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, standpipes and reservoirs, for taking, conducting, conveying, holding, discharging and distributing, and for roadways to be used as approaches thereto, doing no unnecessary damage.

The said town, by its municipal officers, or said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall file in the registry

14 of deeds in the county in which such lands or property lies,  
15 plans of such lands and locations, showing the property taken  
16 within said county, and within thirty days thereafter shall  
17 publish notice of such taking and filing in some newspaper  
18 published in said county wherein said land is taken, such  
19 publication to be continued three weeks successively, and  
20 such filing in the registry of deeds shall be in lieu of any  
21 other filing now required by law. Said town of Lisbon, by  
22 its municipal officers, or by said commission, may permit  
23 the use, for said purposes, of any lands so taken by it, by  
24 any person, company or corporation, with which it has made  
25 such a contract as is described in section two, whereby the  
26 said town of Lisbon may be entitled to acquire the owner-  
27 ship of any aqueduct or system of water works or any part  
28 thereof in said town of Lisbon.

Sect. 4. Should the said town of Lisbon, by its municipal  
2 officers or said commission, and the owner of such land be  
3 unable to agree upon the damages to be paid for such taking,  
4 location and holding, the land owner or the town of Lisbon  
5 by its municipal officers, or said commission, may within  
6 twelve months after the filing of said plans and location,  
7 apply to the commissioners of the county wherein said land  
8 lies, who shall cause such damages to be assessed in the same  
9 manner, and under the same conditions, restrictions, limita-  
10 tions and rights of appeal as are by law prescribed in the  
11 case of damages for the laying out of railroads, so far as  
12 such law is consistent with the provisions of this act.

Sect. 5. The town of Lisbon, by its municipal officers or  
2 said commission, is authorized and empowered to contract  
3 with any person or corporation to construct aqueducts, pipes,  
4 locks, gates, hydrants, dams, standpipes and reservoirs and  
5 any other structures necessary for a system of water works,  
6 upon lands taken as hereinbefore prescribed. And in case  
7 any such company or corporation is organized to construct

8 any such aqueduct, it is empowered to place all or any part  
9 of its capital stock in the name of a trustee, or trustees, and  
10 to contract that said trustee, or trustees, shall sell and deliver  
11 the same to the said town of Lisbon in installments from year  
12 to year, as may be agreed upon.

Sect. 6. For the purpose of carrying into effect the pro-  
2 visions of this act, the town of Lisbon, at a meeting duly  
3 called therefor, may as soon as this act takes effect, if it so  
4 elects, or at any time thereafter elect by ballot three water  
5 commissioners, whose duty it shall be to perform all such  
6 acts for the town as are necessary and convenient for the  
7 full operation of this act, and such as may be prescribed by  
8 town ordinance or lawfully directed by the municipal officers  
9 of said town.

The three persons first chosen, as aforesaid, shall serve one  
11 for one year, one for two years, one for three years from  
12 the date of the annual March meeting, following their elec-  
13 tion. Their terms of service being designated by the munic-  
14 ipal officers of the town of Lisbon, and thereafter one com-  
15 missioner shall be elected by ballot annually at the annual  
16 March meeting, to serve for the term of three years.

The municipal officers of said town of Lisbon may fill any  
18 vacancy occurring by death, resignation or otherwise. Until  
19 such water commissioners are elected, the municipal officers  
20 of said town of Lisbon shall perform the duties of the water  
21 commissioners.

Sect. 7. Said municipal officers of said town of Lisbon,  
2 or said water commissioners, in case water commissioners  
3 are elected as hereinbefore provided, are authorized to fix  
4 the rates for water to be paid monthly, quarterly, semi-  
5 annually or annually by persons or corporations supplied  
6 with the same, or by the State of Maine if so supplied, and  
7 in the same manner determine the conditions and methods

8 of such supply, and shall have general charge and control of  
9 the town's water system.

Sect. 8. Said town of Lisbon, through its municipal offi-  
2 cers, or said commission, is authorized for the purpose of  
3 carrying into effect the provisions of this act, to dig up and  
4 excavate any highway in said town, lay pipes therein, and  
5 fill the trenches under the directions of the road commis-  
6 sioner of said town or such person as may be acting in that  
7 capacity for the time being.

Sect. 9. Whenever said town of Lisbon, or said trustee,  
2 company or corporation of which either may obtain control,  
3 as provided in section two, either directly or through owner-  
4 ship of stock, shall, under section one, take water from any  
5 of the sources therein named, it shall file in the registry of  
6 deeds, in the county in which such source of supply is located,  
7 a notice of such taking, describing the size, location and  
8 depth of the pipe, or pipes, through which said water is to  
9 be taken from said source or sources.

The said town of Lisbon, or said trustee, company or cor-  
11 poration, shall pay all damages sustained by any person or  
12 corporation in property, by the taking of any water, water  
13 sources, water right, or easement, or by anything done by  
14 said town, or by said trustee, company or corporation first  
15 named in this section, under the authority of this act, which  
16 shall be determined and assessed in the same manner as pro-  
17 vided in section four, for land taken under the provisions  
18 of this act.

Sect. 10. For the purpose of raising money to carry out the  
2 provisions of this act, the town of Lisbon may issue its bonds,  
3 with interest coupons, in behalf of said town, signed by the  
4 municipal officers of said town, and the treasurer of said  
5 town, when authorized by a vote of said town, to an amount  
6 which, taken in connection with the other indebtedness of  
7 the town, will not exceed the amount limited by the State of

8 Maine. And such bonds shall be signed by the municipal  
9 officers of the town and the treasurer of said town, but the  
10 coupons need be signed by the treasurer only, and shall be  
11 designated "The Lisbon Water Loan."

Sect. 11. Under the provisions of this act the said town  
2 of Lisbon, by a majority vote at a meeting called for the  
3 purpose or at the regular March meeting, may proceed and  
4 put in water works for one village at a time.

Sect. 12. The rates for the supply of water under this act  
2 shall be fixed so that all expenses for repairs and manage-  
3 ment shall be paid annually, together with interest, and such  
4 amounts as the town may determine to be paid annually on  
5 the principal expenditures.

Sect. 13. In case said town of Lisbon, in a legal town  
2 meeting, shall refuse to vote to proceed as a municipality  
3 under the rights, powers and authority herein granted, with  
4 the work of supplying the town of Lisbon with pure water,  
5 or shall fail to take any action in regard to the matter, within  
6 a period of one year from the date of the approval of this  
7 act, then said town at a legal town meeting called and held  
8 for the purpose, or at the annual March meeting, is hereby  
9 granted the authority, provided a majority of its legal voters  
10 present so vote, to transfer the rights, powers, authority and  
11 privileges herein granted to the town of Lisbon, to a corpo-  
12 ration which shall be organized for the purpose of supplying  
13 said town with pure water.

Said transfer to be made upon such terms, and under such  
15 conditions, restrictions and limitations as shall be determined  
16 by said town in a legal town meeting and W. E. Plummer,  
17 H. E. Coolidge, G. W. Curtis, William Parkin, E. T. Smith,  
18 A. E. Jordan, C. A. Julia, H. E. Plummer, J. H. Brewster  
19 and their associates are hereby constituted a corporation for  
20 such purpose of supplying the town of Lisbon with pure  
21 water.

Sect. 14. Said corporation for said purpose may hold real estate not exceeding in value two hundred thousand dollars.

Sect. 15. Said corporation shall have the right to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, except the springs owned by the Sylvester Aqueduct Company, within said towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part of which is in Topsham, and to convey the same upon such conditions and under such restrictions as are prescribed in section one of this act.

Sect. 16. Said corporation shall have the right to take lands or real estate, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs, and water works structure, upon such conditions and under such restrictions as are prescribed in section three of this act.

Sect. 17. Said corporation shall have the right to lay its pipes or aqueducts under or over any water course, street, railroad, highway or other way, and in and through the streets and ways in said town of Lisbon, in such manner, and under such restrictions as are prescribed in section one of this act.

Sect. 18. Said corporation shall have the right to settle damages for the taking and holding of land, or real estate, for the location of its pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs and water works structures, and their maintenance upon such terms and conditions, and in such manner, as is prescribed in section four of this act.

Sect. 19. If it shall be necessary for said corporation to lay pipes or aqueducts across or under the tracks or location of any railroad company, and said corporation shall fail to agree with such railroad company, as to place, manner and condition of crossing its railroad, with such pipes or aqueducts, the place, manner and condition of said crossing shall



7 be determined by the railroad commissioners, and all work  
8 within the limits of the railroad location shall be done under  
9 the supervision and to the satisfaction of the officers and  
10 agents of the railroad company, but at the expense of said  
11 corporation.

Sect. 20. Said corporation shall be responsible for all  
2 damages to persons or property, occasioned by the use and  
3 occupancy of said streets and ways, for the laying of its  
4 pipes and aqueducts and the construction of its locks, gates,  
5 hydrants, dams, stand pipes, reservoirs and water works  
6 structures, and shall pay to said town all sums recovered  
7 against said town for damages from obstruction caused by  
8 said corporation, and for all expenses, including reasonable  
9 counsel fees incurred in defending suits for such damages.

Sect. 21. Said town of Lisbon at any time after the expira-  
2 tion of three years from the opening for use and service of  
3 a system of water works constructed by said corporation,  
4 and after a vote in a legal town meeting to that effect has  
5 been passed, shall have the right to purchase, and by this  
6 act said corporation is required to sell, to said town, said  
7 system of water works, including everything appertaining  
8 thereto, and if said town and corporation cannot agree upon  
9 the terms, upon such terms and at such price as shall be  
10 determined and fixed by the chief justice of the supreme court  
11 of the State of Maine after due hearing of the parties inter-  
12 ested, and from the decision of said chief justice there shall  
13 be no appeal.

Sect. 22. Said corporation may make contracts with the  
2 State of Maine, the town through which the pipes of the  
3 system may be laid, or with the corporations and individuals  
4 of said town, for supplying water as contemplated in this act,  
5 and said corporation may establish and fix from time to time  
6 rates for the use of said water, and collect the same and the

7 town of Lisbon in legal town meeting may authorize its  
8 municipal officers to contract for a supply of water for the  
9 extinguishment of fires, flushing of sewers or other purposes,  
10 for a term of years with said corporation.

Sect. 23. The capital stock of said corporation shall not  
2 exceed two hundred thousand dollars and may be divided  
3 into shares of fifty dollars each.

Sect. 24. Said corporation may issue bonds for the con-  
2 struction of its works, upon such rates and time as it may  
3 deem expedient, not exceeding in amount the amount of cap-  
4 ital stock subscribed for, and secure the same by mortgage  
5 on the franchise and property of said corporation.

Sect. 25. If said corporation shall not be organized and  
2 have its works in actual operation within two years from the  
3 date of approval of this act, the rights and privileges herein  
4 granted, shall be null and void.

Sect. 26. The first meeting of said corporation may be  
2 called by a notice, signed by any one of the corporators,  
3 served upon each corporator, by giving him the same in hand,  
4 or by leaving the same at his last and usual place of abode,  
5 seven days before the time of meeting.

Sect. 27. Except as herein otherwise provided, this act  
2 shall take effect when approved.





STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 12, 1903.

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

W. S. COTTON, *Clerk.*