

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

SENATE.

No. 71

STATE OF MAINE.

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

AN ACT to incorporate the Foreside Water Company.

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

Section 1. George Burnham, Jr., C. K. Richards, Daniel F.
2 Emery, Jr., John Marshall Brown, Edward H. Trickey and
3 Herbert Payson, with their associates and successors, are
4 hereby created a corporation by the name of Foreside Water
5 Company for the purpose of supplying the towns of Cumber-
6 land and Falmouth, in the county of Cumberland, and the
7 inhabitants thereof with pure water for domestic, fire, sani-
8 tary and municipal purposes.

Sect. 2. Said corporation may take and hold by purchase,
2 lease or otherwise, such amount of real and personal prop-
3 erty as may be necessary and convenient for its purposes.

Sect. 3. Said corporation is hereby authorized, for the purpose of obtaining a supply of water from any source of supply in said towns of Falmouth or Cumberland except Duck pond and Goose pond, or may obtain such supply by contract, purchase or lease, with or from any other water company now supplying water to any city or town in said county of Cumberland, and any such water company is hereby authorized, by contract, sale or lease, to furnish such supply from any source from which it is now supplying water to any city or town in said county of Cumberland.

Sect. 4. Said corporation is hereby authorized to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts, hydrants and fixtures; to carry its pipes or aqueducts under or over any water course, creek, river, bridge, street, highway, or other way, but in such manner, however, as not to obstruct the same, and for that purpose to enter upon and excavate any street, road or way in such a manner as not to unnecessarily obstruct the same, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for said purposes, and to enter upon, pass over, excavate and flow any lands and to take and hold by purchase or otherwise, any real estate, rights of way or water. And said corporation is further authorized, for the purpose of making all necessary repairs surveys or connections, to lay its mains and pipes through any private or public lands or ways, with the right to enter upon the same and dig therein, and said corporation may establish written regulations for the use of said water. Said Foreside Water Company shall be responsible for all damages to persons and property occasioned by such use of said streets and ways. Said Foreside Water Company may also lay and maintain its mains and pipes under or across any railroad, if agreement with the railroad company can be had, or

24 if such agreement cannot be had, upon such terms and con-
25 ditions as may be determined by the railroad commissioners.
26 Said water company shall be liable in all cases to repay to any
27 railroad company or town, all sums of money that such rail-
28 road company or town shall be obliged to pay on any judg-
29 ment recovered against them for damages occasioned by any
30 obstruction, taking up or displacement of its railroad by said
31 Foreside Water Company, in the case of a railroad company,
32 or in the case of a town by reason of any defect in any high-
33 way, way or street, therein occasioned by any fault or neglect
34 of said water company, together with reasonable counsel
35 fees and expenses necessarily incurred in defending such rail-
36 road or town in all actions therefor, provided, however, that
37 said Foreside Water Company shall have notice of the com-
38 mencement of any and all suits for such damage and that said
39 water company shall have the right to defend any such action
40 at its own expense.

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

Sect. 6. Said Foreside Water Company shall be held liable
2 to pay all damages that shall be sustained by any person by
3 the taking of any land or other property, or by flowage, or by
4 excavating through any land for the purpose of laying down

5 its pipes and aqueducts, building dams and reservoirs, and
6 also damages for any other injuries resulting from said acts;
7 and if any person sustaining damages as aforesaid and said
8 corporation cannot mutually agree upon the sum to be paid
9 therefor, such person may cause his damages to be ascer-
10 tained in the same manner and under the same conditions,
11 restrictions and limitations as are by law prescribed in the
12 case of damages by the laying out of railroads.

Sect. 7. The capital stock of said corporation shall be fixed
2 at a sum not exceeding one hundred thousand dollars and
3 shall be divided into shares of one hundred dollars each.

Sect. 8. Said Foreside Water Company is hereby author-
2 ized to make contracts with said towns of Falmouth and Cum-
3 berland, and with other towns and corporations, associations
4 and individuals for the purpose of supplying them with water
5 as contemplated by this act, and also for the purpose of pro-
6 curing a supply of water for its own purposes may contract
7 for such supply with any other corporation or individual, and
8 use the same for the purposes hereunder. Said towns of Fal-
9 mouth and Cumberland, by their respective selectmen, or duly
10 authorized agents, are hereby authorized to enter into con-
11 tracts with said Foreside Water Company for the supply of
12 water, and for such exemption from public burden as said
13 towns and said company may agree upon, which, when made,
14 shall be legal and binding upon all parties thereto. Manufac-
15 turing and other corporations are hereby authorized to sub-
16 scribe and hold stock of said Foreside Water Company.

Sect. 9. 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, to an amount not exceeding the amount of
4 its capital stock, and secure the same by mortgage of the
5 franchises and property of said company.

Sect. 10. The first meeting of said corporation shall be
2 called by written notice thereof signed by any two corporators

3 herein named, served upon each corporator by giving him
4 the same in hand or by leaving the same at his last usual
5 place of abode seven days before the time of said meeting.

Sect. 11. This act shall become null and void in two years
2 from the approval hereof unless said corporation shall have
3 organized and commenced actual business under this charter.

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



STATE OF MAINE.

IN SENATE, February 9, 1905.

Reported by Mr. ALLEN from Committee on the Judiciary
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*