

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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SENATE.

No. 164

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## STATE OF MAINE.

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HOUSE AMENDMENT TO SENATE DOCUMENT

No. 71.

AMENDMENT A.

By inserting in section four, line eight, after the word "way" 'under such reasonable restrictions and conditions as the selectmen of said towns may impose,' so that said section as amended shall read as follows:

'Section 4. Said corporation is hereby authorized to survey  
2 for, locate, lay, erect and maintain suitable dams, reservoirs  
3 and machinery, pipes, aqueducts, hydrants and fixtures; to  
4 carry its pipes or aqueducts under or over any water course,  
5 creek, river, bridge, street, highway, or other way, but in  
6 such manner, however, as not to obstruct the same, and for  
7 that purpose to enter upon and excavate any street, road or  
8 way under such reasonable restrictions and conditions as the

9 selectmen of said towns may impose, in such a manner as not  
10 to unnecessarily obstruct the same, and to take up, replace  
11 and repair all such pipes, aqueducts and fixtures as may be  
12 necessary for said purposes, and to enter upon, pass over,  
13 excavate and flow any lands and to take and hold by purchase  
14 or otherwise, any real estate, rights of way or water. And  
15 said corporation is further authorized, for the purpose of  
16 making all necessary repairs, surveys or connections, to lay  
17 its mains and pipes through any private or public lands or  
18 ways, with the right to enter upon the same and dig therein,  
19 and said corporation may establish written regulations for  
20 the use of said water. Said Foreside Water Company shall  
21 be responsible for all damages to persons and property occa-  
22 sioned by such use of said streets and ways. Said Foreside  
23 Water Company may also lay and maintain its mains and  
24 pipes under or across any railroad, if agreement with the  
25 railroad company can be had, or if such agreement cannot  
26 be had, upon such terms and conditions as may be determined  
27 by the railroad commissioners. Said water company shall  
28 be liable in all cases to repay to any railroad company or  
29 town, all sums of money that such railroad company or town  
30 shall be obliged to pay on any judgment recovered against  
31 them for damages occasioned by any obstruction, taking up  
32 or displacement of its railroad by said Foreside Water Com-  
33 pany, in the case of a railroad company, or in the case of a  
34 town by reason of any defect in any highway, way or street,  
35 therein occasioned by any fault, or neglect of said water  
36 company, together with reasonable counsel fees and expenses

37 necessarily incurred in defending such railroad or town in  
38 all actions therefor, provided, however, that said Foreside  
39 Water Company shall have notice of the commencement of  
40 any and all suits for such damage and that said water com-  
41 pany shall have the right to defend any such action at its own  
42 expense.'

STATE OF MAINE.

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IN SENATE, March 7, 1905.

Tabled, pending adoption in concurrence, and ordered printed, on motion by Mr. CURTIS of Cumberland.

KENDALL M. DUNBAR, *Secretary*.