

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 209

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## STATE OF MAINE.

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

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AN ACT to incorporate the Kezar Falls Water Company.

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

Section 1. Allen Garner, Leroy F. Pike, E. R. Bachelder,  
2 Harvey D. Granville and J. Merrill Lord, their associates,  
3 successors and assigns are hereby made a corporation by  
4 the name of the Kezar Falls Water Company, with all the  
5 powers, rights and privileges and subject to all the duties  
6 and obligations conferred and imposed on corporations by  
7 law, except as provided herein.

Sect. 2. The purposes of said corporation are to furnish  
2 water for the extinguishment of fires and for municipal,

3 domestic, sanitary and industrial purposes in the towns of  
4 Porter and Hiram in the county of Oxford and the town  
5 of Parsonsfield in the county of York.

Sect. 3. The said corporation is hereby authorized for  
2 the purposes aforesaid to retain, collect, take, store, use  
3 and distribute water from the "Mine Pond," so called, in  
4 the town of Porter, or from any springs, ponds, streams or  
5 other water sources in said towns of Porter, Hiram and  
6 Parsonsfield except Long and Mudget Ponds in said Par-  
7 sonsfield not in use for similar purposes; to erect and main-  
8 tain cribs, reservoirs, dams, standpipes, gates, pipes, aque-  
9 ducts and other structures necessary for the proper accu-  
10 mulating, conducting, discharging, distributing and dis-  
11 posing of water and forming proper reservoirs thereof; to  
12 excavate, lay down, replace, repair and maintain its pipes  
13 and aqueducts through any lands and to take and hold by  
14 purchase or otherwise any lands or real estate necessary for  
15 the purposes of this incorporation to lay its pipes and aque-  
16 ducts and construct and maintain the same with all neces-  
17 sary fixtures in, upon, along, and under the roads and  
18 streets of said towns under such reasonable restrictions as  
19 may be imposed by the municipal officers thereof in accord-  
20 ance with the general laws of the state.

Sect. 4. Said corporation shall be held liable to pay all  
2 damages that may be sustained by any person by the taking  
3 of land or other property, by excavating through any land  
4 for the purpose of laying down pipes and aqueducts, build-

5 ing dams or reservoirs, or the erection of its necessary  
6 structures, and if any person sustaining damages as afore-  
7 said can not agree with said corporation upon the sum to  
8 be paid therefor, his damages shall be assessed in the same  
9 manner and subject to the same conditions, restrictions and  
10 limitations as is provided by law in the case of damages  
11 by the laying out of highways.

Sect. 5. Said corporation shall have authority to enter  
2 upon any land for the purpose of making surveys and  
3 locations and shall file in the registry of deeds for the  
4 county in which said land is located, plans of the lands and  
5 other property to be taken and when so filed such lands  
6 and other property shall be deemed and treated as taken;  
7 with said plans, said corporation may file a statement of  
8 the damages it is willing to pay for any property so taken,  
9 and if the amount finally awarded does not exceed that  
10 sum, the corporation shall recover costs against such par-  
11 ties, otherwise such parties shall recover costs against said  
12 corporation.

Sect. 6. Said corporation, at its own expense, without  
2 unnecessary delay, shall remove any and all obstructions  
3 in any street or way made in excavating and laying its  
4 pipes and shall cause earth disturbed to be properly re-  
5 placed. It shall not be allowed to obstruct or impair the  
6 use of any public or private sewer, drain or pipe, but may  
7 cross, or when necessary, change the direction of any such  
8 sewer, drain or pipe in such manner as not to obstruct or

9 impair the use thereof, and shall be responsible to the  
10 owner or other persons for any injury caused thereby.

Sect. 7. Said corporation is hereby authorized to make  
2 contracts with said towns and with other corporations and  
3 persons for the purposes of supplying water as contemplated  
4 by this act, and said towns by their selectmen, and other  
5 corporations are hereby authorized to enter into contracts  
6 with said company for water and for such exemptions from  
7 public burden as such towns and corporations and said  
8 company agree upon, which when made shall be legal and  
9 binding upon all parties thereto.

Sect. 8. Said corporation is hereby authorized to acquire  
2 and hold by purchase the property, rights, locations, privi-  
3 leges and franchises of any person or corporation engaged  
4 in furnishing water in said towns and upon such purchase  
5 and transfer said corporation shall have, hold, possess,  
6 exercise and enjoy all such property, rights, locations,  
7 privileges and franchises as it may acquire as aforesaid.

Sect. 9. The capital stock of this corporation shall be  
2 fifty thousand dollars, divided into shares of one hundred  
3 dollars each.

Sect. 10. Said corporation may issue its bonds upon such  
2 rates and time as it may deem expedient and in such amount  
3 as may be required for the objects of this incorporation  
4 and secure the same by mortgage upon the franchises and  
5 property of said company.

Sect. 11. Said corporation for its said purposes, may  
2 hold real and personal property necessary and convenient  
3 therefor.

Sect. 12. Any corporation doing business in said towns  
2 is hereby authorized to purchase the stock, bonds or other  
3 securities of this corporation.

Sect. 13. If any person shall wantonly or maliciously  
2 injure **any of the structures, reservoirs, pipes, hydrants or**  
3 other property, or water supply, whether frozen or not,  
4 of said company, he shall, on conviction thereof, be pun-  
5 ished by a **fine not exceeding** one thousand dollars, or by  
6 imprisonment not exceeding two years, or both, and shall  
7 be liable to pay triple damages to said corporation, to be  
8 recovered by an action before any court of competent juris-  
9 diction.

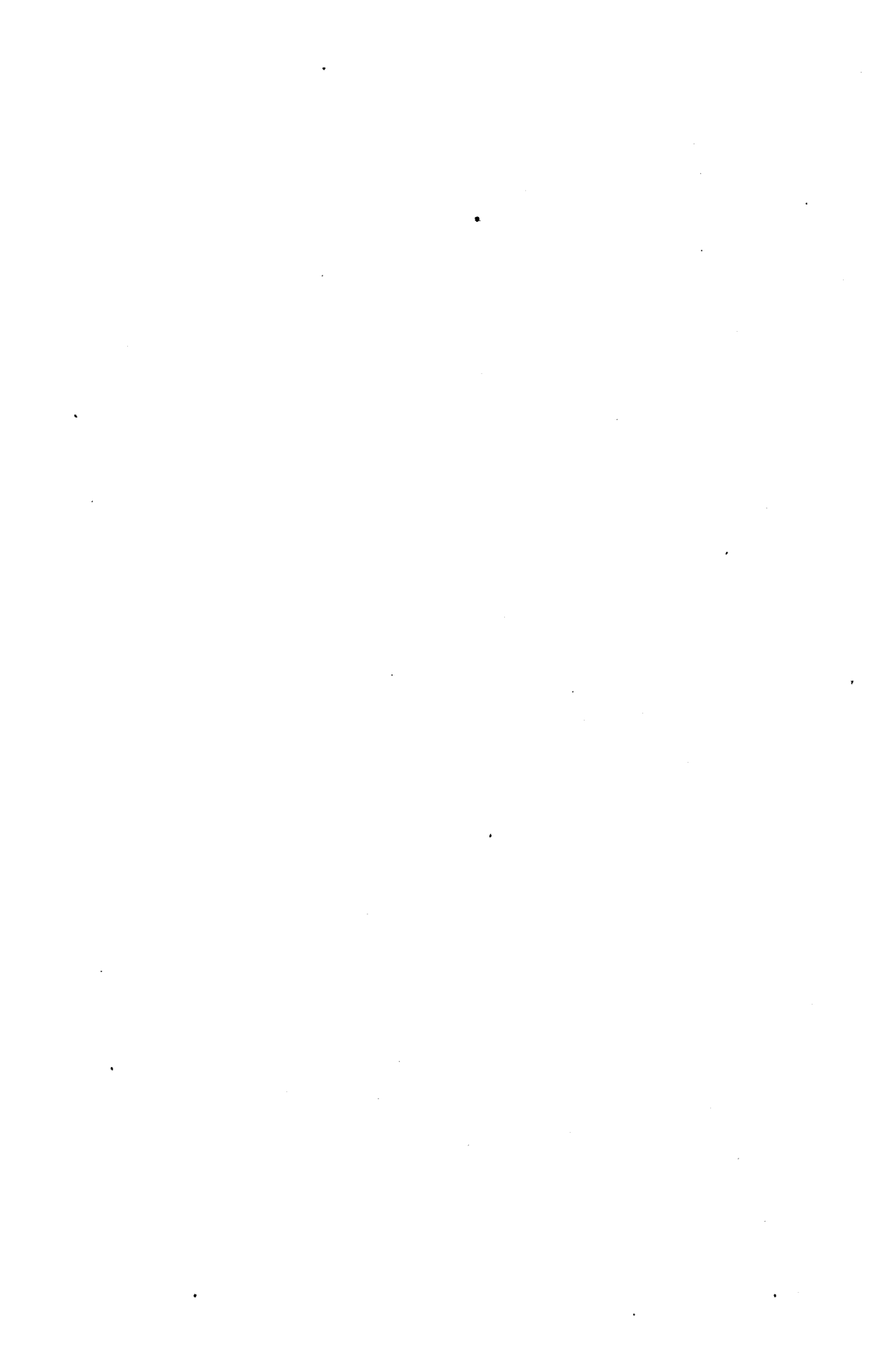
Sect. 13. The first meeting of said corporation may be  
2 called by written notice thereof, signed by any two corpo-  
3 rators herein named and served upon each corporator by  
4 a copy of the same in hand or mailed, postage prepaid,  
5 seven days prior to the day named therein for such meeting.

Sect. 14. Should the towns of Porter, Parsonsfield and  
2 Hiram or either of them, at a meeting duly called for the  
3 purpose, vote to take over the works of said company, and  
4 at any time subsequent to the first day of January, in the  
5 year of our Lord nineteen hundred and twelve, inform the  
6 said company of its **intention to take over** said works, then,  
7 and in that case, the company will within sixty days after

8 the receipt of said intention of said towns or either of them,  
9 and upon the tender of the fair market value at the time  
10 of the said works, including all the rights and franchises  
11 of the company, convey and make over to the said towns  
12 or either of them, the said water works in their entirety  
13 as they then exist, and make, execute, acknowledge, and  
14 deliver such deeds, conveyances, transfers, or other instru-  
15 ments as may be necessary to secure to said towns or either  
16 of them all and every right, title, and interest, whether in  
17 law or in equity, which the said company may have in said  
18 water works.

Sect. 15. Should said water works be taken over by the  
2 towns or either of them as aforesaid, the consideration to  
3 be paid by the towns or either of them therefor shall be  
4 the fair market value of said works at the time of taking,  
5 including the rights and franchises of the company, as  
6 may be agreed upon by the parties thereto. And should  
7 said parties be unable to agree upon the amount, the same  
8 shall be left for the determination of three persons to be  
9 chosen as follows: one by the towns or either of them, one  
10 by the company, and the third, who shall be a person learned  
11 in the law and a resident of Oxford or York counties,  
12 shall be appointed by the chief justice of the supreme court,  
13 and the finding of the afore-mentioned three parties shall  
14 be final and conclusive in the matter as between the parties.

Sect. 16. This act shall take effect when approved.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, February 19, 1907.

Reported by Mr. SMITH from Committee on Judiciary, and ordered  
printed under joint rules.

E. M. THOMPSON, *Clerk.*