

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 500

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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 Waldoboro Water Company.

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

Section 1. Moses W. Levensaler, John T. Gay, Moses R.  
2 Mathews, Elmer E. Jameson, O. D. Castner, John B. Stahl,  
3 John J. Cooney and George W. Walker, their associates,  
4 successors and assigns are hereby made a corporation by  
5 the name of the Waldoboro Water Company, for the pur-  
6 pose of supplying the village of Waldoboro in the county  
7 of Lincoln and the inhabitants of said Waldoboro with pure  
8 water for domestic, sanitary, public, commercial and muni-  
9 cipal purposes and for the extinguishment of fires.

Sect: 2. Said company for said purposes is authorized to  
2 take and use water from the Kaler pond, so called, in the  
3 western part of said town of Waldoboro, or from any other  
4 source of water supply in said town which may be neces-  
5 sary to furnish a sufficient supply for the same, and may  
6 take, retain, collect, store and distribute water at and from  
7 such sources of supply, and for the purposes of such supply  
8 and distribution, may survey for, locate, construct and main-  
9 tain all suitable and convenient dams, reservoirs, sluices,  
10 hydrants, buildings, machinery, lines of pipe, aqueducts and  
11 appurtenances, which may be necessary or convenient for  
12 the purposes of said corporation. It may take and hold by  
13 purchase or otherwise any real estate or easement therein  
14 necessary for the collection, distribution, preservation and  
15 purity of said water supply and the maintenance of said  
16 aqueducts. It may lay its water pipes through private lands  
17 with the right to enter upon the same for the purpose of  
18 making repairs and service connections. It may also for  
19 said purpose lay its pipes under or across the Medomak  
20 river or any stream, brook, public or private drain or sewer,  
21 in said town, or under, across, by and along any highway,  
22 town or other way, in said town, in such manner, in any  
23 such cases, as not unnecessarily to obstruct the same, and,  
24 as respects town ways and highways, under such reason-  
25 able restrictions as the selectmen of said town may impose.  
26 Whenever said corporation shall lay down or construct any  
27 pipes or fixtures in any highway, way or street, or make

28 any alterations thereof or repairs upon its works, it shall  
29 cause the same to be done with as little obstruction to public  
30 travel as may be practicable, and shall, at its own expense,  
31 without unnecessary delay, replace the material removed by  
32 it in proper condition. It shall pay all damages that may  
33 be sustained by any person or persons by the taking of land  
34 or other property, or by flowage, or by excavating through  
35 any land for the purpose of laying down pipes or aqueducts,  
36 building dams, reservoirs or standpipes, or constructing any  
37 artificial pond or source of water supply, or erecting machin-  
38 ery or fixtures, or from any other injuries resulting from  
39 said acts; and if any person or persons sustain damages as  
40 aforesaid, and the amount thereof cannot be mutually agreed  
41 upon, such person or persons may cause such damages to  
42 be assessed in the same manner and under the same con-  
43 ditions, restrictions and limitations as are by law prescribed  
44 in the cases of damages by the laying out of railroads. For  
45 damages occasioned by obstructions caused by said corpo-  
46 ration by its use of the streets and ways of said town, said  
47 corporation shall be responsible, and shall pay to said town  
48 all sums recovered against said town for damages so occa-  
49 sioned, together with the expenses, including reasonable  
50 counsel fees, incurred in defending suits for such damage  
51 against said town; but said corporation, instead thereof,  
52 may assume the defense of any such damage suit.

Sect. 3. The said corporation is hereby authorized to make  
2 contracts with said town of Waldoboro, and with any vil-  
3 lage corporation in said town, and with the inhabitants

4 thereof, or any persons or corporation doing business there-  
5 in, for the supply of water for any and all the purposes con-  
6 templated in this act; and the said town and any village  
7 corporation in said town, by their proper officers, are hereby  
8 authorized to enter into any contract with the said cor-  
9 poration for the supply of water for any and all purposes  
10 mentioned in this act, and in whole or part consideration  
11 thereof, to relieve said corporation from such public bur-  
12 dens, by abatement or otherwise, as said contracting parties  
13 may agree upon, which contracts, when made, shall be valid.

Sect. 4. The place of business of said corporation shall  
2 be in Waldoboro village, in said town of Waldoboro.

Sect. 5. The capital stock of said corporation shall be  
2 fifty thousand dollars, which may be divided into such num-  
3 ber of shares as it may determine.

Sect. 6. The said corporation may issue its bonds for the  
2 construction of its works, upon such rates and times as it  
3 may deem expedient, to an amount not exceeding the  
4 amount of its capital stock and secure the same by mort-  
5 gage of its franchise and property. It may secure the per-  
6 sonal claim of any person against it to the extent of actual  
7 value received.

Sect. 7. Said town of Waldoboro at any time after the  
2 expiration of five years from the opening for use and service  
3 of 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  
11 court of the State of Maine, after due hearing of the parties  
12 interested, and from the decision of said chief justice there  
13 shall be no appeal.

Sect. 8. Whoever shall knowingly or maliciously corrupt  
2 the water supply of the said corporation, or any ice forma-  
3 tion thereon, or in any way render such water impure, or  
4 whoever shall wilfully or maliciously injure any of the works  
5 of said corporation, shall be punished by a fine not exceed-  
6 ing one thousand dollars, or by imprisonment not exceeding  
7 two years, and shall be liable to said corporation for three  
8 times the actual damage, to be recovered in any proper  
9 action.

Sect. 9. The corporation may own any real or personal  
2 estate necessary or proper for the purposes of its creation.

Sect. 10. The first meeting of said corporation may be  
2 called by written notice thereof, signed by two of the incor-  
3 porators herein named, served upon each corporator by  
4 giving him the same in hand, by leaving the same at his  
5 place of last and usual abode, or by registered mail.

Sect. 11. This act shall take effect when approved.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1907.

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

E. M. THOMPSON, *Clerk.*