

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 667

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## STATE OF MAINE.

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

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AN ACT to incorporate the Farmington Falls Water Company.

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*Be it enacted by the People of the State of Maine, as follows :*

Section 1. Alonzo P. Carvill, John P. Rackliff, Eli S. Oliver, Clyde A. Croswell and Ernest A. Croswell, all of Farmington, with their associates and successors, be and are hereby made a corporation under the name of the Farmington Falls Water Company, for the purpose of supplying the inhabitants of the towns of Farmington, Chesterville and New Sharon, residing within two miles of the Bridge across the Sandy River at said Farmington Falls, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities

12 and obligations imposed upon corporations by law, except  
13 as herein otherwise provided.

Sect. 2. The place of business of said corporation shall  
2 be at Farmington Falls, in Farmington, in the County of  
3 Franklin and State of Maine.

Sect. 3. For any of the purposes aforesaid the said cor-  
2 poration is hereby authorized to take and use water from any  
3 spring, pond, brook, well or other waters in the towns of  
4 Farmington, Chesterville and New Sharon; and to survey  
5 for, locate, construct and maintain all suitable and con-  
6 venient dams, reservoirs, sluices, hydrants, wells, buildings,  
7 machinery, lines of pipe, aqueducts, structures and appur-  
8 tenances.

Sect. 4. The said corporation is hereby authorized to lay,  
2 construct and maintain its lines of pipe in the said towns of  
3 Farmington, Chesterville and New Sharon and to build and  
4 maintain all necessary structures therefor, at such places as  
5 shall be necessary for the said purposes of said corporation;  
6 and to cross any water course, private or public sewer, or to  
7 change the direction thereof, when necessary for their said  
8 purpose of incorporation, but in such manner as not to ob-  
9 struct or impair the use thereof, and the said corporation  
10 shall be liable for any injury caused hereby.

Sect. 5. The said corporation is hereby authorized to  
2 lay, construct and maintain in, under, through, along, over  
3 and across the highways, ways, streets railroads streams,  
4 river and bridges in the said towns, and to take up, replace

5 and repair, all such aqueducts, sluices, pipes, hydrants and  
6 other structures and fixtures, as may be necessary and con-  
7 venient for any of the said purposes of the said corporation,  
8 under such reasonable restrictions and conditions as the  
9 selectmen of the respective towns may impose; and the said  
10 corporation shall be responsible for all damage to the said  
11 towns and to all corporations, persons, and property, occa-  
12 sioned by such use of the highway, ways and streets.

Whenever the said corporation shall lay down or construct  
14 any pipes or fixtures in any highway, way or street, or make  
15 any alteration or repairs upon its works, in any highway, way  
16 or street, it shall cause the same to be done with as little ob-  
17 struction to public travel as may be practicable, and shall,  
18 at its own expense, without unnecessary delay, cause the  
19 earth and pavement then removed by it, to be placed in prop-  
20 er condition.

Sect. 6. The said corporation is hereby authorized to take  
2 and hold by purchase or otherwise any land necessary for  
3 flowage, and also for its drains, reservoirs, gates, hydrants,  
4 wells, buildings and other necessary structures, and may lo-  
5 cate erect, lay and maintain aqueducts, hydrants, lines of  
6 pipes, and other necesasry structures or fixtures in, over and  
7 through such land for such location, construction and erec-  
8 tion.

And in general to do any act necessary, convenient or prop-  
10 er for carrying out any of the said purposes of incorpora-  
11 tion. It may enter upon such land to make surveys and

12 locations, and shall file in the registry of deeds in the county  
13 of Franklin, plans of such locations and lands, showing the  
14 property taken, and within thirty days thereafter publish  
15 notices of such filing in some newspaper in said county, such  
16 publication to be continued three weeks successively. Not  
17 more than two rods in width of land shall be occupied by  
18 more than one line of pipe or aqueduct.

Sect. 7. Should the said corporation and the owner of  
2 such land be unable to agree upon the damage to be paid for  
3 such location, taking, holding, flowing and construction, the  
4 land owner or said corporation may, within twelve months  
5 after said filing of plans of location, apply to the commis-  
6 sioners of said County of Franklin, and cause such dam-  
7 ages to be assessed in the same manner and under the same  
8 conditions as are prescribed by law in the case of damages by  
9 the laying out of highways, as far as such law is consistent  
10 with the provisions of this act. If said corporation shall fail  
11 to pay such land owner, or deposit for his use with the clerk  
12 of the county commisioners aforesaid such sum as may be  
13 finally awarded as damages, with costs when recovered by  
14 him, within ninety days after notice of final judgment shall  
15 have been received by the clerk of courts of said county, the  
16 said location shall be thereby invalid, and the said corpora-  
17 tion shall forfeit all rights under the same as against such  
18 land owner. In case the said corporation shall begin such  
19 occupy such land before the rendition of final judgment the  
20 land owner may require the said corporation to file its bond

21 to him with the said county commisiionsners, in such sum and  
22 with such sureties as they may approve, conditioned for said  
23 judgment or deposits. No action shall be brought against  
24 the said corporation for such taking, holding and occupation  
25 until after such failure to pay or deposit as aforesaid.

Sect. 8. Any person suffering damage by the taking of  
2 water by said company as provided by this act, may have his  
3 damage assessed in the same manner provided in the preced-  
4 ing section, and payment therefor shall be made in the same  
5 manner and with the same effect. No action shall be brought  
6 for the same until after expiration of the time of payment  
7 and a tender by said company may be made with the same  
8 effect as in the preceding section.

Sect. 9. The said corporation is hereby authorized to  
2 make contracts with the United States, the State of Maine,  
3 the county of Franklin, the towns of Farmington, Chester-  
4 ville and New Sharon and with any village corporation in  
5 the said towns and with the inhabitants thereof, or any cor-  
6 poration doing business therein or Water District, for the  
7 supply of water for any and all the purposes contemplated  
8 in this act; and the said towns by their proper officers, are  
9 hereby authorized to enter into any contract with the said  
10 corporation for a supply of water for any and all purposes  
11 mentioned in this act, and in consideration thereof to relieve  
12 said corporation from such public burdens by abatement or

13 otherwise as said town, village corporation, water district,  
15 shall be legal and binding upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously cor-  
2 rupt the water supply of the said corporation, whether frozen  
3 or not, or in any way render such water impure, or whoever  
4 shall wilfully or maliciously injure any of the works of the  
5 said corporation, shall be punished by a fine not exceeding  
6 one thousand dollars, or by imprisonment not exceeding two  
7 years, and shall be liable to the said corporation for three  
8 times the actual damage, to be recovered in any proper ac-  
9 tion.

Sect. 11. The capital stock of the said corporation shall  
2 be five thousand dollars, which may be increased to any sum  
3 not exceeding ten thousand dollars, by a majority vote of the  
4 stockholders of the said corporation; and the stock shall be  
5 divided into shares of fifty dollars each.

Sect. 12. The said corporation, for all its said purposes,  
2 may hold real and personal estate necessary and convenient  
3 therefor, not exceeding ten thousand dollars.

Sect. 13. The said corporation may issue its bonds for  
2 the construction of its works, of any and all kinds upon  
3 such rates and time as it may deem expedient, to an amount  
4 not exceeding its capital stock subscribed for, and secure the  
5 same by mortgage of its franchise and property.

Sect. 14. The first meeting of the corporation shall be

2 called by a written notice therefor, signed by any two of the  
3 named incorporators, served upon each named incorporator  
4 by giving him the same in hand, or by leaving the same at  
5 his last and usual place of abode, at least seven days before  
6 the time of meeting, or by publishing said notice in some  
7 newspaper published in the county of Franklin.

Sect. 15. Said towns of Farmington, Chesterville and  
2 New Sharon or any water district including one or more of  
3 said towns or portions of said towns may at any time after  
4 the expiration of five years from the opening for use and  
5 service of a system of water works constructed by said cor-  
6 poration and after a vote in a legal town meeting to that  
7 effect has been passed, shall have the right to purchase, and  
8 by this act said corporation is required to sell to said towns  
9 or any water district including one or more of said towns  
10 or portions of said towns, said system of water works includ-  
11 ing everything appurtenant thereto, and if said towns or  
12 said water district and said corporation cannot agree upon  
13 the terms and price, then such terms and such price shall  
14 be determined and fixed by the chief justice of the supreme  
15 court of the State of Maine, after due hearing of the parties  
16 interested, and from the decision of said chief justice there  
17 shall be no appeal.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 17, 1909.

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

E. M. THOMPSON, *Clerk.*