

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 74

House of Representatives, Feb. 1, 1911.

Introduced by Mr. Kelleher of Portland, who moved its reference to the Committee on Legal Affairs. By Mr. Murphy of Portland tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Casco Bay Water Company.

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

Section 1. William M. Lamb, Morrill N. Drew and Edgar
2 E. Rounds, with their associates and successors, are hereby
3 created a corporation by the name of Casco Bay Water
4 Company for the purpose of supplying the islands in Casco
5 bay in the county of Cumberland, and the inhabitants there-
6 of, with pure water for domestic, fire, sanitary and munici-
7 pal purposes; and such corporation shall possess all the pow-
8 ers and privileges and be subject to all the liabilities and
9 obligations imposed upon corporations by law, except as
10 herein otherwise provided.

Sect. 2. Said corporation is hereby authorized, for the
2 purposes aforesaid, to take and use the water from High-
3 land Lake in the towns of Falmouth and Windham and the
4 city of Westbrook; to conduct the same into and through
5 the said towns of Falmouth and Windham and the cities of
6 Portland and Westbrook, and to survey for, locate, construct
7 and maintain all suitable and convenient dams, reservoirs,
8 sluices, hydrants, buildings, machinery, lines of pipe, aque-
9 ducts, structures and appurtenances.

Sect. 3. The said corporation is hereby authorized to lay,
2 construct and maintain its lines of pipe in said towns of Fal-
3 mouth and Windham and the cities of Portland and West-
4 brook, and in and to the islands in said Casco bay, and to
5 build and maintain all necessary structures therefor, at such
6 places as may be necessary for the said purposes of said cor-
7 poration; and to cross any water course, private or public
8 sewer, or to change the direction thereof when necessary,
9 for their said purposes of incorporation, but in such a manner
10 as not to obstruct and impair the use thereof, and the said
11 corporation shall be liable for any injury caused thereby.
12 Said corporation shall not be authorized to supply water to
13 the towns of Windham, the cities of Portland and Westbrook
14 and the mainland in the town of Falmouth.

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

5 such aqueducts, sluices, pipes, hydrants and other structures
6 and fixtures, as may be necessary and convenient for any of
7 the said purposes of the said corporation, under such reason-
8 able restrictions and conditions as the municipal officers of
9 the said cities and towns may impose; and the said corpo-
10 ration shall be responsible for all damages to the said munici-
11 palities, and to all corporations, persons and property occa-
12 sioned by such use of the highways, 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,
16 way or street, it shall cause the same to be done with as
17 little obstruction to public travel as may be practicable, and
18 shall, at its own expense, without unnecessary delay, cause
19 the earth and pavement then removed by it to be placed in
20 proper condition.

Sect. 5. 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 dams, reservoirs, gates, hydrants,
4 buildings and other necessary structures, and may locate,
5 erect, lay and maintain aqueducts, hydrants, lines of pipe,
6 and other necessary structures or fixtures in, over and
7 through any land for the said purposes, and excavate in and
8 through such land for such location, construction and erec-
9 tion. And in general, to do any act necessary, convenient
10 or proper for carrying out any of the said purposes of in-
11 corporation. It may enter upon such land to make surveys

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

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

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

Sect. 7. The said corporation is hereby authorized to con-
2 tract with the United States, the state of Maine, the county
3 of Cumberland, and with all municipalities having island
4 possessions in said Casco bay, and with any village corpo-
5 ration on such islands, and with the inhabitants thereof, or
6 any corporation doing business therein, for the supply of
7 water for any and all the purposes contemplated in this
8 act; and the said towns and any village corporation in the
9 said towns by their proper officers, are hereby authorized to
10 enter into any contract with the said corporation for a sup-
11 ply of water for any and all purposes mentioned in this act,
12 and in consideration thereof, to relieve said corporation from
13 such public burdens by abatement or otherwise as said towns,
14 village corporation, and the said corporation may agree upon,
15 which, when made, shall be legal and binding upon all par-
16 ties thereto.

Sect. 8. Whoever shall knowingly or maliciously corrupt
2 the water supply of the said corporation, whether frozen or
3 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
9 action.

Sect. 9. Said company may buy and receive water from
2 any other corporation in the state, and may sell and supply
3 water to any such corporation.

Sect. 10. The capital stock of the said corporation shall
2 be one hundred thousand dollars, and the stock shall be
3 divided into shares of one hundred dollars each, and said
4 corporation may issue bonds to raise money for the con-
5 struction of said works and their extension and repair, to
6 an amount not exceeding one hundred thousand dollars, to
7 be secured by mortgage upon its real estate, works and fran-
8 chise.

Sect. 11. The said corporation may issue its bonds for the
2 construction of its works, of any and all kinds, upon such
3 rates and time as it may deem expedient, to an amount not
4 exceeding its capital stock subscribed for, and secure the
5 same by mortgage of its franchise and property.

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

Sect. 13. The first meeting of said corporation shall be
2 called by written notice thereof signed by two corporators
3 herein named, served upon each corporator by giving him the

4 same in hand or by leaving the same at his last usual place
5 of abode seven days before the time of said meeting.

Sect. 14. 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.