

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 731

House of Representatives, March 22, 1911.

*Reported by Mr. Scates from committee on Legal Affairs,
and ordered printed under joint rules.*

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, their associates, successors and assigns are here-
3 by created a corporation by the name of the Casco Bay
4 Water Company, for the purpose of supplying the govern-
5 ment of the United States at its reservations on Great Dia-
6 mond, Cow, House, Long, and Cushing islands in Casco
7 Bay with pure water for governmental purposes. And said
8 corporation shall possess all the powers and privileges and
9 be subject to all the liabilities and obligations imposed by
10 law upon similar corporations.

Sect. 2. Said corporation is also authorized to supply pure

2 water for domestic purposes to the residents of Long Island,
3 and to the residents of Great Diamond Island—first having
4 obtained the written consent of the Diamond Island Asso-
5 ciation—and to the residents of Little Diamond Island—first
6 having obtained the written consent of the Maine Coast
7 Realty Company.

Sect. 3. Said corporation is hereby authorized to lay, con-
2 struct and maintain its lines of pipe from the main land in
3 the town of Falmouth or the city of Portland under the
4 waters of Casco Bay—first having obtained the consent of
5 the United States—in and to the aforesaid islands in said
6 Casco Bay.

Sect. 4. 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 of
4 said main land and on said islands and to take up, replace
5 and repair all such pipes, other structures and fixtures as
6 may be necessary and convenient for any of the said pur-
7 poses of the said corporation, under such reasonable restric-
8 tions and conditions as the municipal officers of said city and
9 town may impose. And said corporation shall be responsible
10 for all damages to said municipalities, and all corporations,
11 persons and property occasioned by the use of the highways,
12 ways and streets, and may lay its pipes within the limits of
13 any of the streets of Peaks Island and take such land there-
14 on as may be necessary for the purpose of extending its pipes
15 and mains to said Cushing's and Long Island, but for no

16 other purpose. Said corporation shall not supply the resi-
17 dents of said Peaks Island or any person, firm, association,
18 corporation or municipality with water to be used on said
19 Peaks Island for any purpose whatsoever without the con-
20 sent in writing of the Peaks Island Corporation.

Whenever the said corporation shall lay down or construct
22 any pipes or fixtures in any highway, way or street or make
23 any alterations or repairs upon its works on any highway or
24 street, it shall cause same to be done with as little obstruc-
25 tion to travel as shall be practicable; and shall at its own ex-
26 pense without unnecessary delay, cause the earth and pave-
27 ment then removed by it to be replaced in proper condition.

Sect. 5. Said corporation is hereby authorized to take and
2 hold by purchase or otherwise any lands necessary for its
3 lines of pipes or any other necessary structures or fixtures
4 in, over and through any land for the said purposes, and
5 excavate in and through such land for such location, con-
6 struction and erection. And in general, to do any act nec-
7 essary, convenient or proper for carrying out any of the said
8 purposes of the incorporation.

It may enter upon such land to make surveys and locations,
10 and shall file in the registry of deeds in the county of Cum-
11 berland, plans of such locations and lands, showing the prop-
12 erty taken, and within thirty days thereafter, publish notices
13 of such filing in some newspaper in said county, such publi-
14 cation to be continued three weeks successively. Not more

15 than one rod in width of land shall be occupied by more than
16 one line of pipe or aqueduct.

Sect. 6. Should the said corporation and the owner of such
2 land be unable to agree upon the damages 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 Cumberland, 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
9 by the laying out of highways, so far as such law is consis-
10 tent with the provisions of this act. If said corporation
11 shall fail to pay such land owner, or deposit for his use with
12 the clerk of the county commissioners aforesaid, such sum
13 as may be finally awarded as damages, with costs when re-
14 covered by him within ninety days after notice of final judg-
15 ment shall have been received by the clerk of the courts of
16 said county, the said location shall be thereby invalid, and
17 the said corporation shall forfeit all rights under the same
18 as against such land owner. In the case the said corpora-
19 tion shall begin to occupy such land before the rendition of
20 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. 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. 8. Said corporation and the Portland Water Dis-
2 trict are hereby authorized to enter into contract for the sup-
3 plying of water to carry out the purposes of the said Casco
4 Bay Water Company.

Sect. 9. The capital stock of the said corporation shall be
2 one hundred thousand dollars, and the stock shall be divided
3 into shares of one hundred dollars each, and said corporation
4 may issue bonds to raise money for the construction of said
5 works and their extension and repair, to an amount not ex-
6 ceeding one hundred thousand dollars, to be secured by
7 mortgage upon its real estate, works and franchise.

Sect. 10. 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. 11. 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. 12. 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
4 the same in hand of by leaving the same at his last usual
5 place of abode seven days before the time of said meeting.

Sect. 13. 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.