

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

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1881.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1881.

CHAP. 141 shores and may with their agents and teams pass and repass over said shores and to and from them, over the lands of other persons, for the purposes aforesaid, and for managing said booms, making compensation therefor as is provided in the case of damages for lands taken in laying out highways.

Approved March 16, 1881.

Chapter 141.

An act to supply the people of Waterville with pure water.

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

Corporators.

SECT. 1. Samuel Appleton, S. I. Abbott, I. S. Bangs, F. E. Heath, Nathaniel Meader, John Ware, E. F. Webb, W. B. Arnold, G. A. Phillips and J. W. Philbrick, with their associates and successors, are hereby made a corporation by the name of the Waterville Water Company, for the purpose of conveying to the town of Waterville, a supply of pure water for domestic and municipal purposes, including the extinguishment of fires.

Corporate name and purpose.

Authorized to hold estates.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount four hundred thousand dollars.

Authorized to take and hold certain waters and lands.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and hold water of Snow pond, so called, in the town of West Waterville, or to take and hold sufficient water of the Kennebec river, in the town of Waterville, and may take and hold, by purchase or otherwise, any land or real estate necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water, and for forming reservoirs therefor.

Liability to pay damages.

SECT. 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons or corporations in their property by the taking of any land or mill privileges, or by flowage, or excavating through any land for the purpose of laying down pipes, building dams, or constructing reservoirs ; and if any person sustaining damage, as aforesaid, and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damage to be

ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in case of damages by the laying out of highways. CHAP. 141

SECT. 5. The capital stock of said company shall not exceed four hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act. Capital stock and application.

SECT. 6. Nothing contained in this act shall be construed to effect or diminish the liability of said corporation for any injury to private property, by depreciating the value thereof, or otherwise, but any legal remedies existing shall continue. Liability for injury to private property.

SECT. 7. The said company is hereby authorized to lay down, in and through the streets of the said town of Waterville, and to take up, replace and repair all such pipes, aqueducts, and fixtures as may be necessary for the objects of this corporation, under such restrictions and regulations as the selectmen of Waterville may prescribe, and any obstructions in any street of said town, or displacement of any portion of any street, contrary to the rules and regulations that may be prescribed as aforesaid, shall be considered a nuisance, and said company shall be liable to indictment therefor, and to all the provisions of law applicable thereto; and said company shall in all cases be liable to repay to said town of Waterville, all sums of money that said town may be obliged to pay on any judgment recovered against the town for damages occasioned by any obstructions, or taking up or displacement of any street by said company whatever, with or without the consent of the said selectmen, together with counsel fees and other expenses incurred by said town, in defending any suit to recover damages as aforesaid, with interest on the same, to be recovered in an action for money paid to the use of said company. Authorized to lay down pipes, etc.

SECT. 8. Whenever the said company shall lay down any pipes or aqueducts in any street, or make any alterations or repairs upon its works, in any street, it shall cause the same to be done with as little obstruction as possible to the public travel, and shall, at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition. It shall not be allowed in any case to obstruct or impair the use of any public or private Manner in which pipes are to be laid and repairs made.

CHAP. 141

drain, or common sewer or reservoir, but said company shall have the right to cross, or, where necessary, to change the direction of any private drain, in such a manner as not to obstruct or impair the use thereof, being liable for any injury occasioned by any such crossing or alteration to the owner thereof, or any other person having legal claim in an action upon the case.

Water to be furnished town free for public purposes.

SECT. 9. Said corporation shall furnish, at all times, to the town of Waterville, without expense to the town, for use in public buildings and school houses of the town, and for the extinguishment of fires, such amount and volume of water as may be needful therefor; the necessary pipes and hydrants for distribution thereof for the purposes named in this section being furnished, laid and connected, with the pipes of this company, at the expense of the town.

Penalty for willful or negligent obstructions in streets and omitting necessary repairs.

SECT. 10. If said company, or any of its servants or officers employed in effecting the objects of this company, shall willfully or negligently, place or leave any obstructions in any of the streets of Waterville, beyond what is actually necessary in constructing its works, laying down or taking up and repairing its pipes and fixtures, or shall willfully or negligently omit to repair and put in proper condition any street in which the earth or pavement may have been removed by it, the company shall be subject to indictment therefor, in the same manner that towns are subject to indictment for bad roads, and shall be holden to pay such fine as may be imposed therefor, which fine shall be collected, applied and expended in the same manner as is provided in case of the indictment aforesaid against towns, or may be ordered to be paid into the treasury of the town. If any person shall suffer injury in his person or property by reason of any such negligence, willfulness or omission, he shall be entitled to recover damages of the company therefor, by an action on the case in any court of competent jurisdiction.

Persons may recover for injury.

Penalty for corrupting waters.

SECT. 11. Any person who shall maliciously injure any of the property of said company, or who shall corrupt the waters used or to be used by said company, or render them in any manner impure, or who shall in any manner destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property held, owned or used by said corporation, for the purposes of this act, shall pay three times the amount of

damages to said company, to be recovered in any proper action; and every such person, on conviction of either of said acts, shall be punished by fine not exceeding five thousand dollars, and by imprisonment not exceeding one year.

SECT. 12. The selectmen for the time being shall, at all times, have the power to regulate, restrict and control the acts and doings of said corporation which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Powers of selectmen.

SECT. 13. The first meeting of said corporation may be called by a notice, signed by any two of the corporators, published seven days at least before the day fixed for such meeting, in any newspaper published in Waterville.

First meeting, how called.

SECT. 14. Said corporation is hereby authorized to issue bonds for the construction of its works, upon such rates and time as it may deem expedient, to an amount not exceeding two hundred thousand dollars, and to secure the same by a mortgage or deed of trust of the franchise, property and estate, of said corporation.

Authorized to issue bonds.

Approved March 16, 1881.

Chapter 142.

An act to enable certain towns to aid in the construction of the Boothbay Railroad.

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

SECT. 1. The towns of Boothbay, Edgecomb, Newcastle and Damariscotta, or any of them, through which the Boothbay railroad may be built, are hereby authorized and empowered at any legal meeting thereof, called for that purpose any time after the approval of this act, by a two-thirds vote to guaranty the interest on any bonds issued by the Boothbay railroad company for the construction of its road from tide-waters in said Boothbay to the Knox and Lincoln railroad under the charter granted by the legislature of eighteen hundred and eighty-one, or on such portion of the road or bonds, and to such an amount of interest as they may prescribe in their vote; *provided, however,* that none of said towns shall incur under the provisions of this act, an indebtedness or liability, which together with the prior indebtedness

Towns authorized to guaranty interest on railroad bonds.

Proviso.