

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

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which, notice shall be given that action upon this act is proposed, and the vote of acceptance shall have been filed with the secretary of state.

Approved January 27, 1887.

Chapter 13.

An Act additional to the Charter of the York Harbor and Beach Railroad Company.

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

Charter of York Harbor and Beach R. R. Co., extended.

SECT. 1. The time for the construction of the York Harbor and Beach Railroad Company is hereby extended two years from the date of the approval of this act.

Operation of road may be suspended during portion of each year.

SECT. 2. Said corporation is empowered to suspend the operating of said railroad during such portion of each year as, in the judgment of its directors, is consistent with the purposes of its charter and the public convenience.

SECT. 3. This act shall take effect when approved.

Approved January 27, 1887.

Chapter 14.

An Act relative to the Calais Water Company.

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

Organization and doings of Calais Water Co., made valid.

SECT. 1. The organization of the Calais Water Company, under the general laws of the state, as recorded in the records of corporations in the office of secretary of state, volume nine, page two hundred and fifty-nine, is hereby confirmed and made valid; and said company is hereby declared to be a corporation for the purposes therein specified; and all the acts and doings of said company, since the filing of the certificate thereof in the secretary of state's office, are made valid as the acts of such corporation, the same as if incorporated by a special act, with all the rights and powers and subject to all the duties, obligations and liabilities of similar corporations.

May hold real estate.

SECT. 2. Said corporation may take and hold by purchase or otherwise, real and personal estate necessary and conven-

ient for the purposes aforesaid, not exceeding two hundred and fifty thousand dollars in amount.

SECT. 3. For the purposes aforesaid, or for the preservation and purity of said water, said corporation is hereby authorized to take and use water from the Saint Croix river, to conduct and distribute the same into and through the city of Calais and vicinity; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any water course, bridge, street, railroad, highway or other way; to enter upon and excavate any highway, or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands; and to take and hold by purchase or otherwise any real estate, rights of way or of water, and in general do any acts necessary, convenient or proper, for carrying out any of the purposes aforesaid; provided, however, that no lands shall be taken hereunder, except for a stand-pipe or reservoir, and for laying and maintaining mains thereto and therefrom, and for laying and maintaining mains to, into or across the Saint Croix river. Said corporation is further authorized, for the purpose of making all needed repairs or service connections, to lay its pipes through any public streets or ways, with the right to enter upon the same and dig therein.

Authorized to take water from St. Croix river.

--to maintain dams, etc.

--to take lands, etc.

--proviso.

--authorized to lay pipes in public streets.

SECT. 4. Said corporation shall file in the city clerk's office, in the said city of Calais, plans of the location of all land and water rights taken under this act; and said city clerk shall thereupon publish in some newspaper in said city, a notice stating therein substantially the location affected by such plans and the names of the owners, if known; and no entry shall be made on any lands, except to make surveys, until the expiration of ten days from such filing; and with such plan the corporation shall file a statement of the damages it is willing to pay to any person for any property so taken, and shall deposit said sum with the treasurer of said city; and if the amount awarded finally, does not exceed that sum, with interest from the date of such deposit, the company shall recover costs against such person, otherwise such person shall recover costs against the company.

Shall file plans of location with city clerk.

SECT. 5. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking

Liability for damages.

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of any land, wafer, rights of way, or other property, or by excavating through any land for the purpose of surveying, locating, laying or building dams, reservoirs, pipes, aqueducts and other necessary fixtures, and for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid shall not agree with said corporation upon the sum to be paid therefor, either party, upon petition to the county commissioners of Washington county, within twelve months after said plans are filed, may have said damages assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manner, and under the same conditions, restrictions, and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said twelve months shall be held to be a waiver of the same.

—how determined in case of disagreement.

Authorized to lay pipes, etc., in streets of city.

SECT. 6. Said corporation is hereby authorized to lay down and maintain in and through the streets and ways of said city of Calais, all such pipes, aqueducts and fixtures as may be necessary for the purposes hereinbefore mentioned. Said company shall have power to cross any water-course, private or public sewer, but in such manner as not to obstruct or impair the use thereof, or with the consent of the city council of said city to change the direction thereof. Whenever said company shall lay any main or service pipe, notice thereof shall first be given to the street commissioner of said city.

—to cross private or public sewers.

—shall give notice of intention to lay main pipe.

Liable for damage to streets.

SECT. 7. Said company shall in all cases be liable to pay to said city, all sums recovered against said city for damages which may be recovered against it by reason of any defect in any highway, way, or street therein occasioned by any fault or neglect of said company, together with reasonable counsel fees and costs made in defending any suit for damages as aforesaid, with interest on the same; provided, said company shall have notice of any suit wherein such damages shall be claimed, and shall be allowed to defend the same at its own expense.

Authorized to lay pipes in St. Croix river.

SECT. 8. Said company is authorized to lay, construct and maintain its pipes under, in and over the Saint Croix river, and to build and maintain all necessary structures therefor; all to be done at such places as may be necessary for the purposes of said company and not to obstruct navigation.

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SECT. 9. Said company may make contracts with the United States, the state of Maine, the county of Washington, the towns and city through which the pipes of the company may be located, or with corporations and individuals of said towns and city for supplying water as contemplated in this act. Said company may connect its pipes with the pipes of other water companies and may sell water to such other companies, or may buy water from such companies, on such terms as may be agreed on. And said company may establish and fix from time to time, rates for the use of water and collect the same. Said city of Calais is hereby authorized by its mayor and aldermen to enter into contract with said company for a supply of water for all municipal purposes, and for such exemption from public burden as said city and said company may agree, which, when made, shall be legal and binding upon all parties thereto; and all the votes, acts and doings of said mayor and aldermen heretofore performed relative thereto, and all contracts and agreements made by said mayor and aldermen, by vote, in relation thereto, with said Calais Water Company, are hereby ratified, confirmed and made valid.

—to make contracts for supply of water.

—may connect with pipes of other companies.

—may fix rates and make contracts to supply water, and exempt from taxation.

Contracts of city of Calais made valid.

SECT. 10. Whoever wilfully injures any of the property of said company, or knowingly corrupts the sources of its water supply, or of any of its tributaries, so as to affect the the purity of the water taken by said company, or in any manner defile them as aforesaid, or throws the carcasses of dead animals or other offensive matter into said waters, shall forfeit and pay to the company three times the amount of actual damage sustained, to be recovered in an action of tort; and on indictment and conviction of either of the wilful acts aforesaid, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Penalty for injuring property or polluting water.

SECT. 11. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

SECT. 12. The acts of said corporation in issuing bonds and securing the same by first mortgage upon its property and franchise, are hereby made valid.

Issuing of bonds by Co. made valid.

SECT. 13. Nothing herein contained, shall in any way affect or abridge the rights of said city or said company, under their existing contracts.

Rights of city and company shall not be abridged.

SECT. 14. This act shall take effect when approved.