

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

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suitable time and place, within the limits aforesaid, by posting up notices in two public places within said limits, seven days at least before the time of said meeting; and either of said persons are authorized to preside at said meeting until after its organization, and until after a moderator shall be chosen by ballot and sworn, and at all meetings of the corporation, a moderator shall be chosen in the manner, and with the same powers as in town meetings.

SECT. 10. All persons liable to be taxed for polls, residing in the limits of said corporation, shall be legal voters at any meeting of said corporation.

Qualification of voters.

SECT. 11. This act shall take effect when approved by the governor, so far as to empower the first meeting of said corporation to be called, and if this charter shall be accepted at said first meeting of said corporation, by a majority of the legal voters of said corporation, then the same shall take and have complete effects in all its parts.

When act shall take effect.

Approved February 8, 1887.

Chapter 59.

An Act to amend an act entitled "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 :

SECT. 1. Section one of chapter one hundred and forty-one of the private and special laws of eighteen hundred and eighty-one, is hereby amended by adding after the word "Waterville" in the sixth line, the words 'Fairfield and Winslow,' and by adding after the word "domestic," in the seventh line, the word 'manufacturing,' and by adding after the word "fires," in the eighth line, the words 'and sprinkling of streets,' so that said section as amended shall read as follows :

Sec. 1, ch. 141, Private Laws of 1881, amended.

'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 towns of Waterville, Fairfield and Winslow, a supply of pure water for domestic, manufacturing and municipal purposes, including the extinguishment of fires and sprinkling of streets.'

Corporators.

Corporate name.

Purposes.

CHAP. 59

Sec. 3, amended.

SECT. 2. Section three of said chapter is amended by striking out in the second and third lines, the words "to take and hold water of Snow Pond, so called, in the town of West Waterville or," and by adding after the word "Waterville," in the fifth line thereof, the words 'or to take and hold sufficient water of the Messalonskee stream, so called, in the towns of Waterville or Oakland,' and by adding after the word "dams," in the seventh line, the word 'power,' so that said section as amended shall read as follows :

Authorized to take water.

'SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and hold, through a pipe not exceeding fourteen inches in diameter, sufficient water of the Kennebec river, in the towns of Waterville and Fairfield, or to take and hold sufficient water of the Messalonskee stream, so called, in the towns of Waterville or Oakland, below the Cascade Woolen Company's mill on said stream in Oakland, and may take and hold, by purchase or otherwise, any land or real estate necessary for erecting and maintaining dams, power and reservoirs, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water, and for forming reservoirs therefor.'

Sec. 7, amended.

SECT. 3. Section seven of said act is hereby amended by adding after the word "Waterville," in the third line, the words 'Fairfield and Winslow,' and by striking out the word "Waterville," in the sixth line, and inserting in lieu thereof, the words 'either of said towns,' and by adding after the word "street," in the seventh line, the words 'in either,' and by adding after the word "to," in the twelfth line, the words 'either of,' and by striking out, in the twelfth and thirteenth lines of said section, the words "of Waterville," and by striking out the word "said" in the thirteenth line and inserting in lieu thereof, the word 'such,' and by striking out the word "the" in the fourteenth line, and inserting in lieu thereof, the word 'such,' and by striking out the word "said" in the eighteenth line, and inserting in lieu thereof the word 'such,' so that said section, as amended, shall read as follows :

Authorized to lay down pipes.

'SECT. 7. The said company is hereby authorized to lay down, in and through the streets of the said towns of Waterville, Fairfield and Winslow, 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 either of said towns may prescribe, and any obstructions in any street in either of said towns, 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 either of said towns, all sums of money that such town may be obliged to pay on any judgment recovered against such 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 such 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.'

Liabile for damages to streets.

SECT. 4. Section nine of said chapter is hereby repealed.

Sec. 9, repealed.

SECT. 5. Section ten of said chapter is hereby amended by striking out the word "Waterville" in the fourth line and inserting in lieu thereof the words 'either of said towns,' and by striking out the word "the" in the fifteenth line thereof and inserting the word 'such,' so that said section as amended shall read as follows :

Sec. 10, amended.

'SECT. 10. If said company, or any of its servants or officers employed in effecting the objects of this company, shall wilfully or negligently, place or leave any obstructions in any of the streets of either of said towns, beyond what is actually necessary in constructing its works, laying down or taking up and repairing its pipes and fixtures, or shall wilfully 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 defective highways, 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 such town. If any person shall suffer injury in his person or property by reason of any such negligence, wilfulness 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.'

Penalty for wilfully or negligently obstructing streets.

Persons may recover, for injury.

CHAP. 59

Sec. 12,
amended.

SECT. 6. Section twelve of said chapter is hereby amended by adding after the word "selectmen" in the first line thereof the words 'of either of said towns respectively,' and by striking out the word "said" in the fifth line and inserting in lieu thereof, the word 'such,' so that said section as amended shall read as follows :

Powers of selectmen to control acts of co.

'SECT. 12. The selectmen of either of said towns respectively, 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 such town.'

Towns authorized to contract for water supply.

SECT. 7. Said towns of Waterville, Winslow and Fairfield Village Corporation or either of them, are hereby authorized to contract with said Waterville Water Company for such supply of water as is contemplated by said act of incorporation, and as herein amended, and to pay to such company such compensation therefor as may be agreed upon by said company and said town or towns.

Manufacturers of lumber, shall not be liable for pollution of water by fine sawdust.

SECT. 8. In the event said Waterville Water Company shall take and hold the water of the Kennebec river at a point between the villages of Fairfield and Somerset Mills, and suffers damage in operating its works, or in the purity of the water taken from the river, by reason of what is known as fine sawdust being therein or deposited in said river, by any lumber manufactory operated upon, or by means of the dam across the Kennebec river, at Somerset Mills, said Water Company shall have no claim or right of action for damage against the owner or occupant of such manufactory by reason of such fine sawdust being in said river.

SECT. 9. This act shall take effect when approved.

Approved February 8, 1887.