

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

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—when charter shall be valid.

And said charter and organization of said Oakland Water Company shall be valid, provided said company shall lay at least one mile of water pipe for the purpose of supplying the town of Oakland, in Kennebec county, Maine, with water for domestic purposes, in and under the streets of said Oakland on or before December first, eighteen hundred and ninety-four.

Approved February 23, 1893.

Chapter 422.

An Act relating to the Freeport Water Company.

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

Organization of Freeport Water Company, made valid.

SECT. 1. The organization of the Freeport Water Company under the general laws of the state, as recorded in the book of corporations in the office of the secretary of state, in volume sixteen, page three hundred seventy-three, 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 acts of such corporation, the same as if incorporated by a special act, with all the rights and privileges and subject to all the duties, obligations and liabilities of such corporations.

May take real estate.

SECT. 2. Said corporation may take and hold, by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars in amount.

Authorized to take water.

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 Frost's gully brook, so called, in said town of Freeport, and to conduct and distribute the same in and through the town of Freeport and adjoining towns; 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,

—maintain dams, etc.

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 of its incorporation. And said corporation is further authorized, for the purpose of making all needed repairs or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same and dig therein; but no entry shall be made on any private lands or ways, except to make surveys, until said corporation shall file in the registry of deeds in the county of Cumberland, plans of the location of all lands and water rights which it may wish to take under the provisions of this act, nor until the expiration of ten days from such filing; and with such plan, the corporation may file a statement of the damages it is willing to pay to any person for any property so taken, and if the amount awarded finally, does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against the company.

—lay pipes through public or private lands.

—shall file plan of location in registry of deeds.

SECT. 4. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking of any land, water, right 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 damages as aforesaid, shall not agree with said corporation upon the sum to be paid therefor, either party, upon petition to the county commissioners of Cumberland 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.

Liability for damages for taking of land or water.

SECT. 5. Said corporation is hereby authorized to lay down and maintain in and through the streets and ways of said town of Freeport and adjoining towns, all such pipes, aqueducts and fixtures as may be necessary for the purposes hereinbefore mentioned. Said company shall have power to

Authorized to lay down pipes in streets of Freeport.

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cross any water course, private or public sewer, or to change the direction thereof where necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof.

Liability for damages to highways.

SECT. 6. Said company shall in all cases be liable to pay to said town all sums recovered against said town 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.

May fix rates for water.

SECT. 7. Said company may establish and fix from time to time, rates for the use of water and collect the same. Said town of Freeport is hereby authorized to enter into a contract with said company for a supply of water for all municipal purposes, which, when made, shall be legal and binding upon all parties thereto; and all the votes, acts and doings of said town heretofore performed for procuring such supply of water, and all contracts and agreements made by the municipal officers of said town in relation thereto, and more particularly its contract entered into with Edmund B. Mallet, junior, his associates, successors and assigns, bearing date May twenty-three, in the year of our Lord eighteen hundred and ninety-one, which contract has been assigned to and assumed by said Freeport Water Company, are hereby confirmed and made valid.

—town may contract for water.

Issue of bonds, made valid.

SECT. 8. The acts of said corporation in issuing bonds and securing the same by a first mortgage upon its property and franchise, which mortgage is recorded in the registry of deeds of Cumberland county, are hereby made valid.

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

Approved February 24, 1893.