

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

Chapter 430.

An Act to supply the people of South Gardiner Village, in the City of Gardiner, with Pure Water.

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

Section 1. Hiram Lawrence, Greenleaf Lawrence, Charles Lawrence and Van R. Beedle, with their associates and successors, are hereby made a corporation by the name of South Gardiner Water Company, for the purpose of conveying to and supplying pure water in the present limits of ward six in the city of Gardiner.

Corporators.

—corporate name.

Section 2. Said corporation, for said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding sixty thousand dollars.

May hold property not exceeding \$60,000.

Section 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and use the water of the Kennebec river, and is also authorized to lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of water, and forming proper reservoirs thereof, and said corporation may take and hold by purchase or otherwise, any lands or real estate necessary therefor, and may excavate through any lands, when necessary for the purposes of this incorporation.

May take water from the Kennebec river.

—lay pipes.

—take land.

How water may be taken from the Cobbosseecontee.

Section 4. The said company shall have the right to take the water from the Cobbosseecontee river only through the mains of the Maine Water Company. In that event the said South Gardiner Water Company shall have the right to lay, construct and maintain a sufficient main along the river road from South Gardiner, to and through Water street to connect with the existing eight inch main of said Maine Water Company. If said corporations fail to agree upon the price and terms for the supply of water so to be furnished, upon application of either party, after notice and hearing, the chief justice of the supreme judicial court may fix the said price and terms, and his award shall be binding upon the parties, and the said Maine Water Company shall thereafter furnish such supply of water in accordance with these provisions. The compensation therefor shall be a first lien on the plant and franchise of said South Gardiner Water Company and take precedence of any mortgage thereon. Water so furnished shall not be used for motors. The said South Gardiner Water Company shall not supply water to any takers or for any purposes, outside of the present limits of ward six in said city. The right to lay the main aforesaid on said river road north of the Rolling Dam brook, shall expire if not exercised within five years from the approval of this act.

—may lay pipes along river road to connect with main of Maine Water Company.

—proceedings if corporations fail to agree on terms.

—compensation shall be a lien on plant.

—water shall not be used for motors.

—water shall not be supplied outside of ward six.

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Liable for all damages.

Section 5. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking of any land or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid, and said corporation, cannot mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained 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 railroads.

—how determined in case of disagreement.

Capital stock.

Section 6. The capital stock of said corporation shall be forty thousand dollars, which may be increased to sixty thousand dollars by a vote of said corporation, and said stock shall be divided into shares of one hundred dollars each.

Authorized to lay pipes under restrictions imposed by municipal officers.

Section 7. Said corporation is hereby authorized to lay down, in and through the streets and ways in ward six in said city, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of their incorporation under such reasonable restrictions as may be imposed by the municipal officers of said city. And said corporation shall be responsible for all damages to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said city all sums recovered against said city for damages from obstructions caused by said corporation, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same.

—responsible for all damages.

Authorized to supply water to city.

Section 8. Said corporation is hereby authorized to make contracts with said city of Gardiner and with other corporations and individuals, for the purposes of supplying water as contemplated by said act; and said city of Gardiner, by its municipal officers, is hereby authorized to enter into contract with said company for a supply of water, and for such exemption from public burden as said city and said company may agree upon, which, when made, shall be legal and binding upon all parties thereto.

—city may contract for water and exempt from taxation.

May cross any sewer but shall not impair use of.

Section 9. Said corporation shall have power to cross any private or public sewer, or to change the direction thereof, when necessary for the purposes of their incorporation, but in such manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby; whenever the company shall lay down any pipes 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 to public

—liable for injury.

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travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements removed by it to be replaced in proper condition.

—shall not obstruct travel.

Section 10. Any person who shall willfully injure any of the property of said corporation, or who shall willfully destroy any aqueduct, pipe, hydrant or other property held or owned by said corporation for the purposes of this act, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not less than one year, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

Penalty for injury to property.

Section 11. Said corporation may issue its bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding fifty thousand dollars, and secure the same by mortgage of the franchise and property of said company.

May issue bonds and mortgage property.

Section 12. In case the works of this corporation shall not have been put into actual operation within two years from the date of the approval of this act, the rights and privileges herein granted shall be null and void.

Act void if works are not in operation within two years.

Section 13. The first meeting of said corporation may be called by a written notice thereof, signed by any one of the incorporators herein named, served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode seven days before the time of meeting.

First meeting, how called.

Section 14. If the Maine Water Company shall give written notice to any one of the incorporators herein named, on or before the first day of May, nineteen hundred and one, of the intention of said Maine Water Company to extend their water system to and through said village of South Gardiner, as provided in this act, and to complete the same on or before the first day of November, nineteen hundred and one, then this act shall be void and inoperative.

Act becomes inoperative if Maine Water Company shall extend system to South Gardiner.

Section 15. This act shall take effect when approved.

Approved March 20, 1901.