

# 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.

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**Chapter 459.**

An Act to incorporate the Scarborough Water Company.

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

- Corporators.** Section 1. Ephraim Dyer, Frank E. Marr and J. Scott Jordan, their associates and successors, are hereby made a corporation by the name of the Scarborough Water Company for the purpose of conveying to and supplying the inhabitants of that part of Scarborough known as Higgins Beach, with water for domestic, sanitary, industrial, municipal and commercial purposes, including the extinguishment of fires and sprinkling of streets, with all the rights and privileges and subject to all the privileges and liabilities and obligations of similar corporations under the general laws of this state. Provided, however, that the rights hereby granted shall extend over that part only of the town of Scarborough which is located east of a line running 'from the southeasterly corner of land of James C. Jordan, on the coast, at the southerly end of Higgins' Beach, and by the east line of said Jordan's land, and thence due north,' provided, that the granting of this charter shall in no way interfere with the granting of a charter to other companies to supply other parts of Scarborough with water.
- corporate name.**
- may supply water to Higgins Beach.**
- proviso.**
- shall not interfere with granting other charter.**
- May hold property to the amount of \$5,000.**
- May take water.**
- maintain dams, etc.**
- lay pipes, etc.**
- enter upon any highway.**
- lay pipes through any public or private lands.**
- make regulations for use of water.**
- Section 2. Said corporation may take and hold by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid to the amount of five thousand dollars.
- Section 3. For any of the purposes aforesaid or for the preservation of the purity of said water said corporation is hereby authorized to take, collect, store and use water from springs of water in lands owned by Ann D. Jordan, situated in the town of Cape Elizabeth, in the county of Cumberland, to conduct aforesaid, to survey for, locate, erect, and maintain suitable dams, gates, reservoirs, machinery, pipes, aqueducts, hydrants, and fixtures; to carry, its pipes or aqueducts under or over any water course, private or public sewer, bridge, street, railroad, highway or other way; also to take up, replace, or repair any of said pipes, dams, reservoirs, or fixtures, and said corporation is further authorized to enter upon and excavate any highway or any other way in such a 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, right of way or of water, and in general to do all acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. 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 land or way with the right to enter upon the same and dig therein; and said corporation may establish written regulations for the use of the water aforesaid and change the same from time to time. Provided that said company shall not have the right to use any private land or way for placing or repairing its pipes where a public way is available for the purpose, except by consent of the owner of such land or way.

--shall not use private lands where public way is available.

Section 4. Said corporation shall file in the registry of deeds in the county of Cumberland plans of the location of all land and water rights taken under the provisions of this act, and no entry shall be made on any lands except to make surveys until the expiration of ten days from said filing, and with such plans the said corporation may file a statement of the damages it is willing to pay any person for the property so taken and if the amount finally awarded does not exceed that sum said corporation shall recover costs against said person, otherwise such person shall recover costs against said corporation.

Shall file plan of location in registry of deeds.

--damages.

Section 5. In case of failure to agree with any railroad company as to place, manner, and condition of crossing its railroad with such pipe, the place, manner, and condition of such crossings shall be determined by the railroad commissioners, and all work within the limits of the railroad location and lands shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company but at the expense of said water company.

Manner of crossing any railroad shall be determined by railroad commissioners.

Section 6. Said corporation shall be held liable to pay all damages that shall be sustained by any persons to themselves or their property occasioned by the use of such streets and ways and shall pay to said towns all sums recovered against said towns for damages from obstructions caused by said corporation, and for all expenses including reasonable counsel fees incurred in defending said suits with interest on the same, but said corporation may assume the defense of all suits brought to recover damages as aforesaid; and also for all damages sustained by any person by the taking of any lands, 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 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 on 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

Liable for all damage occasioned by use of streets.

--liable for damages for taking of lands, etc.

--damages, how ascertain in case of disagreement.

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—failure to apply for damage held to be a waiver.

Authorized to lay pipes, etc., through streets.

—town authorized to contract for water.

May cross tide waters.

Penalty for corrupting water or injuring works.

Capital stock.

First meeting, how called.

Act void if work is not commenced within two years.

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 twelve months shall be held to be a waiver of the same.

Section 7. Said corporation is hereby authorized to lay down and maintain in and through the streets and highways of the towns aforesaid all such pipes, aqueducts, and fixtures as may be necessary for the purposes herein before specified. Said town of Scarborough is hereby authorized to contract with said corporation for a supply of said water for fire and other purposes for a term of years and at the expiration of such contract to change or renew the same.

Section 8. If said company find it necessary to lay its pipes over tide waters it may build and maintain all necessary piers and other necessary structures causing as little obstruction as possible.

Section 9. Whoever shall knowingly or maliciously corrupt the water supply of said corporation, whether frozen or not, or in any way render such water impure, or whoever shall willfully or maliciously injure any of the works of said corporation shall be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding two years and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Section 10. The capital stock of said corporation shall not exceed five thousand dollars and the stock shall be divided into shares of one hundred dollars each.

Section 11. The first meeting of said corporation may be called by a written notice thereof signed by any one of the corporators herein named, served upon each corporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, seven days at least before said meeting.

Section 12. This act shall become null and void in two years from the time when the same takes effect unless the corporation shall have organized and commenced the construction or operation of its works under this charter.

Section 13. This act shall take effect when approved.

Approved March 21, 1901.