

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.

CHAP. 490**Chapter 490.**

An Act to incorporate the Prouts Neck Water Company.

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

- Section 1.** Ira C. Foss, Tryphenia Foss and Ida E. Foss, their associates and successors, are hereby made a corporation by the name of the Prouts Neck Water Company for the purpose of conveying to and supplying the inhabitants of that part of Scarborough known as Prouts Neck, and vicinity including Pine Point, with water for all 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 of 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 west of a line "Commencing at a point on the coast at the southwesterly corner of land of James C. Jordan, thence running northerly by the westerly line of land of James C. Jordan and of Jesse R. Newcomb, to the Spurwink road, thence due north to the town line." And shall not prevent John M. Kaler or his heirs and assigns from maintaining the existing system of water works now maintained by him and making extensions of the same and shall not prevent said Kaler, his heirs and assigns from furnishing water from his existing system of water works or any future extensions of the same to any person who now takes water from him, or may do so hereafter, and conducting his business as now conducted.
- 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 not exceeding one hundred 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 and wells not used for domestic purposes, or ponds of water in lands situate in that part of the town of Scarborough above mentioned, in the county of Cumberland, excepting, however, the springs or wells on the lands of John M. Kaler, and lands which he may hereafter acquire, 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
- Corporators.
- Corporate name.
- purposes.
- shall not interfere with the rights of others.
- May hold property to the amount of \$100,000.
- May take water.
- exceptions.
- lay pipes over any sewer, etc.

fixtures, and said corporation is further authorized to enter upon and excavate any highway or other way in such a manner as least to obstruct the same, to enter, pass over, and excavate 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.

--shall not obstruct highways.

--may lay pipes through any public or private ways.

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 plans in registry of deeds, Cumberland county.

--also statement of damages it is willing to pay.

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

Liable for all damages.

--how determined in case of disagreement.

CHAP. 490

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

--failure to apply for damages held to be a waiver of same.

Authorized to lay pipes through the streets.

Section 7. Said corporation is hereby authorized to lay down and maintain in and through the streets and highways of the town aforesaid all such pipes, aqueducts, and fixtures as may be necessary for the purposes hereinbefore 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.

--town may contract for supply of water.

May lay pipes over tide waters.

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.

Penalty for corrupting water or injuring works.

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.

Capital stock.

Section 10. The capital stock of said corporation shall be twenty-five thousand dollars and may be increased to an amount not exceeding one hundred thousand dollars, and the stock shall be divided into shares of one hundred dollars each.

First meeting, how called.

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.

Charter becomes void in two years unless work has been commenced.

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.