

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
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1907

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

city are thereupon abolished, their property, real and personal, vested in the city of Augusta, and their liabilities assumed by said city.

Section 8. Upon the acceptance of this act, as hereinbefore provided, chapter three hundred and forty-nine of the private and special laws of eighteen hundred and thirty-three, chapter eight of the private and special laws of eighteen hundred and forty-seven, chapter one hundred and ninety of the private and special laws of eighteen hundred and forty-eight, chapter two hundred and seventy-two of the private and special laws of eighteen hundred and forty-nine, chapter thirty-two of the private and special laws of eighteen hundred and fifty-three, chapter two hundred and seventy-six of the private and special laws of eighteen hundred and seventy-three and chapter seventy-six of the private and special laws of eighteen hundred and eighty-seven are hereby repealed; and all other acts or parts of acts, public or private, and all ordinances of the city of Augusta, inconsistent with the provisions of this act, upon such acceptance are hereby repealed, so far as relates to the city of Augusta.

Certain acts repealed on acceptance of this act.

Section 9. Except as otherwise herein provided, this act shall take effect when approved.

Approved March 26, 1907.

Chapter 417.

An Act to incorporate the Waldoboro Water Company.

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

Section 1. Moses W. Levensaler, John T. Gay, Moses R. Mathews, Elmer E. Jameson, O. D. Castner, John B. Stahl, John J. Cooney and George W. Walker, their associates, successors and assigns are hereby made a corporation by the name of the Waldoboro Water Company, for the purpose of supplying the village of Waldoboro in the county of Lincoln and the inhabitants of said Waldoboro with pure water for domestic, sanitary, public, commercial and municipal purposes and for the extinguishment of fires.

Corporators.

—corporate name.

—purposes.

Section 2. Said company for said purposes is authorized to take and use water from the Kaler pond, so called, in the western part of said town of Waldoboro, or from any other source of water supply in said town which may be necessary to furnish a sufficient supply for the same, and may take, retain, collect, store and distribute water at and from such sources of supply, and for the purposes of such supply and distribution, may survey for, locate, construct and maintain all suitable and con-

Authorized to take water from Kaler pond and other sources.

—may maintain reservoirs, etc.

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—may take and hold real estate.

—may lay pipes through private lands.

—may lay pipes across Medomak river, etc.

—and along highways, but shall not unnecessarily obstruct same.

—shall be liable for damages.

—damages, how determined if parties fail to agree.

—liability to town.

May make contracts for supplying water.

venient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts and appurtenances, which may be necessary or convenient for the purposes of said corporation. It may take and hold by purchase or otherwise any real estate or easement therein necessary for the collection, distribution, preservation and purity of said water supply and the maintenance of said aqueducts. It may lay its water pipes through private lands with the right to enter upon the same for the purpose of making repairs and service connections. It may also for said purpose lay its pipes under or across the Medomak river or any stream, brook, public or private drain or sewer, in said town, or under, across, by and along any highway, town or other way, in said town, in such manner, in any such cases, as not unnecessarily to obstruct the same, and as respects town ways and highways, under such reasonable restrictions as the selectmen of said town may impose. Whenever said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alterations thereof or repairs upon its works, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall, at its own expense, without unnecessary delay, replace the material removed by it in proper condition. It shall pay all damages that may be sustained by any person or persons by the taking of land or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes or aqueducts, building dams, reservoirs or standpipes, or constructing any artificial pond or source of water supply, or erecting machinery or fixtures, or from any other injuries resulting from said acts; and if any person or persons sustain damages as aforesaid, and the amount thereof cannot be mutually agreed upon such person or persons may cause such damages to be assessed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the cases of damages by the laying out of railroads. For damages occasioned by obstructions caused by said corporation by its use of the streets and ways of said town, said corporation shall be responsible, and shall pay to said town all sums recovered against said town for damages so occasioned, together with the expenses, including reasonable counsel fees, incurred in defending suits for such damage against said town; but said corporation, instead thereof, may assume the defense of any such damage suit.

Section 3. The said corporation is hereby authorized to make contracts with said town of Waldoboro, and with any village corporation in said town, and with the inhabitants thereof, or any persons or corporation doing business therein, for the supply of water for any and all the purposes contemplated in this act; and the said town and any village corporation in said town, by

their proper officers, are hereby authorized to enter into any contract with the said corporation for the supply of water for any and all purposes mentioned in this act, and in whole or part consideration thereof, to relieve said corporation from such public burdens, by abatement or otherwise, as said contracting parties may agree upon, which contracts, when made, shall be valid.

Section 4. The place of business of said corporation shall be in Waldoboro village, in said town of Waldoboro.

Location.

Section 5. The capital stock of said corporation shall be fifty thousand dollars, which may be divided into such number of shares as it may determine.

Capital stock.

Section 6. The said corporation may issue its bonds for the construction of its works, upon such rates and times as it may deem expedient, to an amount not exceeding the amount of its capital stock and secure the same by mortgage of its franchise and property. It may secure the personal claim of any person against it to the extent of actual value received.

May issue bonds.

Section 7. Said town of Waldoboro at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said town said system of water works including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and at such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Town of Waldoboro may purchase works of company.

-if parties cannot agree, chief justice of S. J. court shall fix price.

Section 8. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, or any ice formation thereon, or in any way render such water impure, or whoever shall wilfully or maliciously injure any of the works of said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

Penalty for pollution of water or injury to works.

Section 9. The corporation may own any real or personal estate necessary or proper for the purposes of its creation.

May own real and personal estate.

Section 10. The first meeting of said corporation may be called by written notice thereof, signed by two of the incorporators herein named, served upon each corporator by giving him the same in hand, by leaving the same at his place of last and usual abode, or by registered mail.

First meeting, how called.

Section 11. This act shall take effect when approved.