

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

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Sec. 2. Location and specifications. The above mentioned weir shall be located as follows: The pound or weir shall face the north-west, and have a swing of twenty fathoms, and shall be located south-west of Seal Rock, between the first twenty-four and twenty-five foot mark on chart number three hundred and four, and the easterly wing shall be seventy-five fathoms long, running north north-east from the pound of said weir. And the westerly wing shall be eighty-five fathoms long, running west north-west toward the high head at the west end of Roque Island beach.

Approved March 10, 1921.

Chapter 28.

An Act to Incorporate the Cumberland Center Water Company and to Authorize that Company to take over the Properties of the Cumberland Water Company.

Emergency preamble. Whereas the inhabitants of the village of North Yarmouth in the town of North Yarmouth, and the inhabitants of the village of Cumberland Center in the town of Cumberland have heretofore been supplied with water for domestic and sanitary purposes by the Cumberland Water Company, and whereas said Cumberland Water Company has been by the decree of the supreme judicial court for the County of Cumberland placed in the hands of a receiver and the properties of said Cumberland Water Company have been ordered to be sold by the receiver of said company, and it is imperative that some method be adopted by which the supply of water for domestic and sanitary purposes may be continued for the health and welfare of the inhabitants of said villages, and whereas it is impossible to secure any individual who will undertake to purchase said properties and continue said service, and whereas said properties are likely to be sold and dismantled and said service discontinued, and whereas in the judgment of the legislature this fact creates an emergency within the meaning of section sixteen of article thirty-one of the constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety, now therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Incorporators and purposes. Frank H. Chase, Arno S. Chase, James L. Dunn, Henry M. Moulton, Edward B. Osgood, Lester B. Bragg, Perry D. Burnell, all of the town of Cumberland, and George W. Smith, of the town of North Yarmouth, their associates, successors, and assigns are hereby made a corporation by the name of "Cumberland Center Water Company" for the purpose of supplying the towns of North Yarmouth and Cumberland, in the county of Cumberland and the inhab-

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itants thereof with pure water for domestic, sanitary, and municipal purposes with all the rights and privileges and subject to all the liabilities and obligations of similar corporations under the laws of this state.

Sec. 2. Sources of water supply; authorizing laying of pipes, construction of reservoirs, etc., not to encroach upon territory of Portland Water District nor shall said district encroach upon territory of this corporation; may furnish water to Portland Water District. Said corporation for said purposes may retain, collect, take, store, use and distribute water from any springs or wells, that it may acquire by purchase of the owner thereof, and also from ponds, streams, or other sources in said towns of North Yarmouth and Cumberland, and may locate, construct and maintain cribs, reservoirs, dams, standpipes, gates, hydrants, pipes and all other necessary structures to conduct and distribute the same through the said towns of North Yarmouth and Cumberland in the usual manner, provided that nothing herein contained shall authorize the said corporation to parallel the mains of the Portland Water District nor authorize the said corporation to furnish water in the territory where the said district is now supplying water; without the consent of said district nor shall the said district parallel the mains of this corporation or supply water in the territory in which said Cumberland Water Company has heretofore supplied water, without the consent of said Cumberland Center Water Company; but the said Portland Water District may contract with said Cumberland Center Water Company to supply water to said company under such terms as may be agreed upon and approved by the public utilities commission.

Sec. 3. May purchase rights and property of North Yarmouth Water Company and Cumberland Water Company. The sale of the rights, properties, and franchises of the North Yarmouth Water Company to Frederick W. Graham by deed dated October twenty-eight, nineteen hundred and fourteen, recorded in Cumberland registry of deeds in book nine hundred and thirty-eight, page two hundred and twenty-three, and the sale of said rights, properties, and franchises by said Graham to the Cumberland Water Company by deed dated October twenty-ninth, nineteen hundred and fourteen, and recorded in said registry book nine hundred and thirty-eight, page two hundred and forty-one, are hereby legalized, and the Cumberland Center Water Company is hereby authorized and empowered to acquire by purchase from the receiver of the Cumberland Water Company the entire rights, properties and franchises of said Cumberland Water Company, and the receiver of said company is authorized and empowered to sell and convey the same to said Cumberland

Center Water Company under and pursuant to the order and decree of the justice of the supreme judicial court for the county of Cumberland in which court said receivership is now pending.

Sec. 4. Place of business. The place of business of said corporation shall be at Cumberland Center in said town of Cumberland, County of Cumberland, and State of Maine.

Sec. 5. Authorized to lay pipes, etc., along highways, etc. Said corporation is hereby authorized for the purposes aforesaid, to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said towns, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants, and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said towns may impose.

Sec. 6. May cross water courses, public and private sewers. Said corporation shall have power to cross any water course, private and public sewer, or to change the direction thereof, when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof. Whenever said company shall lay down any fixtures in any highway, way or street, or make any alterations or repairs, upon its works in any highway, way or street, 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, cause the earth there removed by it, to be replaced in proper condition.

Sec. 7. Adjustment of damages. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking of any land or property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams, reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damages as aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, either party on petition to the county commissioners of Cumberland county, may have the damages assessed by them; and subsequent proceeding and rights of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations as are by law provided in case of land taken for railroads.

Sec. 8. May hold real and personal property. Said corporation may hold real and personal estate necessary and convenient for all its said purposes.

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Sec. 9. Temporary loans and bond issue authorized. For accomplishing the purposes of this act, the said Cumberland Center Water Company is authorized to borrow money temporarily by a majority vote of its directors, and to issue therefor the notes of the corporation, and for the purpose of refunding the indebtedness so created and of paying any necessary expenses incurred under the provisions of this act, the said corporation may from time to time issue the bonds of the corporation to an amount not exceeding the capital stock thereof upon such rates and terms as its directors may deem expedient and secure the same by mortgage of the franchises and properties of said corporation.

Sec. 10. Capital stock. The capital stock of said corporation shall be ten thousand dollars, said stock to be divided into one hundred shares of one hundred dollars each.

Sec. 11. How first meeting shall be called. The first meeting of this corporation may be called by written notice, signed by any one of the incorporators, at least four days before the day of said meeting, but any meeting of such incorporators without such notice at which all of said incorporators shall be present shall be valid as if duly called and notified.

Sec. 12. Authorized to make contracts with towns of North Yarmouth and Cumberland and with other corporations and individuals. Said corporation is hereby authorized to make contracts with said towns of North Yarmouth and Cumberland, and with other corporations and individuals, for the purpose of supplying water for municipal and other purposes; and said towns by their selectmen are hereby authorized to enter into contracts with said company for the supply of water, with such exemption from public burden as said towns and said company agree upon, which, when made, shall be legal and binding upon all parties thereto.

Sec. 13. Existing statutes not affected. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes and acts amendatory thereof or additional thereto.

Sec. 14. Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.

Approved March 10, 1921.