

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 522.

An Act to amend chapter two hundred and twelve of the private and special laws of the year eighteen hundred and eighty, entitled "An Act to incorporate the Artesian Water Company."

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

Chapter two hundred and twelve of the private and special laws of eighteen hundred and eighty, is hereby amended by striking out all of said chapter after the word "name" in the fifth line, and inserting instead thereof the following: 'of the Camden and Rockland Water Company, for the purpose of conveying to and supplying the towns of Camden, Thomaston, South Thomaston and the city of Rockland with pure water for domestic and municipal purposes, the extinguishment of fires, supplying of shipping and the use of manufactories.

Ch 212, private laws of 1880, amended.

'SECT. 2. Said corporation, for said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount one hundred and fifty thousand dollars.

'SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain, and use the water of Oyster River pond and all streams tributary thereto in the town of Camden; and is also authorized to erect, maintain dams and reservoirs, and 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 where necessary for the purposes of this incorporation.

'SECT. 4. 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 shall not mutually agree upon the sum to be paid therefor, such person may cause his damage to be ascertained in

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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.

'SECT. 5. The capital stock of said corporation shall be fifty thousand dollars, which may be increased to one hundred and fifty thousand dollars by a vote of said corporation, and said stock shall be divided into shares of one hundred dollars each.

'SECT. 6. Said corporation is hereby authorized to lay down in and through the streets and ways in said towns of Camden, Thomaston, South Thomaston and the city of Rockland, 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 the selectmen of said towns and the mayor and aldermen of said city may impose. And said corporation shall be responsible for all damage to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said towns and city all sums recovered against said towns and city for damages from obstruction or defects in said streets and ways caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

'SECT. 7. Said corporation is hereby authorized to make contracts with the United States, and with corporations and inhabitants of any town and city through which the pipes of the company may be, or shall hereafter be located, for the purposes of supplying water as contemplated by said act; and the municipal officers of any town or city in which the pipes of this corporation shall be laid, are hereby authorized to enter into contracts for a term of years with said company, for a supply of water, and for such exemption from public burden as the towns and city herein named and said company may agree, which when made shall be legal and binding upon all parties thereto.

'SECT. 8. Said corporation may declare dividends on its capital stock, not exceeding six per cent per annum; if there should be a surplus of receipts or income after paying operating expenses, salaries, repairs and interest on the bonds and notes of the company, said surplus may be applied to

reduction of water rates or to extension and alterations of its pipes and appurtenances.

'SECT. 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 streets, 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 and pavements removed by it to be replaced in proper condition.

'SECT. 10. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Oyster River pond or any of its tributary streams, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters, or who shall wilfully destroy or injure any dam, reservoir, 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.

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

'SECT. 12. The first meeting of said corporation may be called by a written notice thereof, signed by any three corporators 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.

'SECT. 13. This act shall take effect when approved.'

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So that said chapter as amended shall read as follows :

Corporators.

'SECT. 1. Davis Tillson, Amos F. Crockett, Thomas W. Hix, Michael A. Achorn, William S. White, George W. Kimball Jr. and William H. Glover, with their associates and successors, are incorporated into a body politic by the name of the Camden and Rockland Water Company, for the purpose of conveying to and supplying the towns of Camden, Thomaston and South Thomaston, and the city of Rockland, with pure water for domestic and municipal purposes, the extinguishment of fires, supplying of shipping and uses of manufactories.

Corporate name.

Purposes.

May hold real estate.

'SECT. 2. Said corporation, for said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount one hundred and fifty thousand dollars.

—take water from Oyster River pond.

'SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain, and use the water of Oyster River pond and all streams tributary thereto in the town of Camden; and is also authorized to erect, maintain dams and reservoirs, and 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 where necessary for the purposes of this incorporation.

—erect dams, etc.

—take lands.

Damages and how ascertained.

'SECT. 4. 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 shall not mutually agree upon the sum to be paid therefor, such person may cause his damage 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 highways.

Capital stock.

'SECT. 5. The capital stock of said corporation shall be fifty thousand dollars, which may be increased to one hundred and fifty thousand dollars by a vote of said corporation, and

said stock shall be divided into shares of one hundred dollars each.

'SECT. 6. Said corporation is hereby authorized to lay down in and through the streets and ways in said towns of Camden, Thomaston, South Thomaston and the city of Rockland, 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 the selectmen of said towns and the mayor and aldermen of said city may impose. And said corporation shall be responsible for all damage to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said towns and city all sums recovered against said towns and city for damages from obstruction or defects in said streets and ways caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

Authorized to lay down pipes in streets of Camden and other towns.

—liability for damages.

'SECT. 7. Said corporation is hereby authorized to make contracts with the United States, and with corporations and inhabitants of any town and city through which the pipes of the company may be, or shall hereafter be located, for the purposes of supplying water as contemplated by said act; and the municipal officers of any town or city in which the pipes of this corporation shall be laid, are hereby authorized to enter into contracts for a term of years with said company, for a supply of water, and for such exemption from public burden as the towns and city herein named and said company may agree, which when made shall be legal and binding upon all parties thereto.

May contract with United States, corporations, towns and cities to supply water.

Municipal officers may contract with, for water and exempt from taxation.

'SECT. 8. Said corporation may declare dividends on its capital stock, not exceeding six per cent per annum; if there should be a surplus of receipts or income after paying operating expenses, salaries, repairs and interest on the bonds and notes of the company, said surplus may be applied to reduction of water rates or to extension and alterations of its pipes and appurtenances.

Dividends not to exceed certain amount.

—surplus to be applied to reduction of water rates.

'SECT. 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

Authorized to cross any private or public sewer.

—liability for damage.

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Public travel not to be obstructed in laying down pipes.

thereby. Whenever the company shall lay down any pipes in any street, or make any alterations or repairs upon its works in any streets, 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 and pavements removed by it to be replaced in proper condition.

Penalty for injuring property or corrupting water.

'SECT. 10. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Oyster River pond or any of its tributary streams, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters, or who shall wilfully destroy or injure any dam, reservoir, 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.

May issue bonds.

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

First meeting, how called.

'SECT. 12. The first meeting of said corporation may be called by a written notice thereof, signed by any three corporators 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.

'SECT. 13. This act shall take effect when approved.'

Approved March 4, 1885.