

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
1887.

ACTS AND RESOLVES

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SIXTY-FOURTH LEGISLATURE

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1889.

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

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

CHAP. 523

SECT. 10. No other corporation or person shall be permitted to construct or maintain any railroad for similar purposes, over the same streets as may be lawfully occupied by this corporation, but any person or corporation lawfully operating any horse or electrical railroad to any point to which this corporation's tracks extend, may enter upon, connect with and use the same, on such terms and in such manner as may be agreed upon, between the parties, or, if they shall not agree, to be determined by the railroad commissioners of the state of Maine.

Exclusive right, granted.

—exceptions.

SECT. 11. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time.

Location, shall be for twenty-five years.

SECT. 12. The first meeting of said corporation may be called by any two of said corporators giving actual notice in writing to their several associates, and said corporation may make such by-laws as are proper, and not contrary to the laws of the state.

First meeting, how called.

SECT. 13. Said road shall not be taken or deemed to be a railroad within the meaning of that term, as used in the public laws of this state, but shall have all the rights and be subject to all the liabilities of horse railroads within this state.

Shall not be deemed a railroad.

SECT. 14. This road shall be constructed and completed within four years from the approval of this act, otherwise the charter shall be void.

When act becomes void.

SECT. 15. This act shall take effect when approved.

Approved March 7, 1880.

Chapter 523.

An Act to supply the people of the town of Sullivan with pure Water.

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

SECT. 1. Clyde D. V. Hunt, William O. Emery, Leroy S. Carter, their successors and assigns are hereby made a corporation under the name of the Sullivan Harbor Water Company for the purpose of supplying the town of Sullivan, in the county of Hancock, Maine, and the inhabitants of said town, except that portion of said Sullivan, known as Waukeag

Corporators.

—corporate name.

—purposes.

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neck or point, with pure water for domestic, sanitary, private and public uses, including the extinguishment of fires.

May take real estate.

SECT. 2. Said corporation may take and hold by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars.

May take water from Long pond.

SECT. 3. Said company is hereby authorized for the purposes aforesaid, to take, collect, store, flow, use, detain, distribute and convey to the town of Sullivan, and any part thereof, except as limited in section one, water from Long pond in said Sullivan, and it is also authorized to locate, construct and maintain dams, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, stand pipes, hydrants, and all other necessary structures therefor.

Authorized to lay pipes, etc., along highways.

SECT. 4. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of their incorporation, under such reasonable restrictions and conditions as the selectmen of said town may impose. And said company shall be responsible for all damages to all corporations, persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town for damages from obstruction caused by said company, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same.

--responsibility for all damages.

May cross any private or public sewer.

SECT. 5. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof where necessary for the purposes of their incorporation, but in such manner as not to obstruct or impair the use thereof; and said company shall be liable for any injury caused thereby. 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 and pavements then removed by it, to be replaced in proper condition.

--liability for injury.

CHAP. 523

May cross pipes
of Long Pond
Water Co.

SECT. 6. Said company shall have power to cross any pipes, sluices or aqueducts of the Long Pond Water Company, when necessary for the purposes of their incorporation, but in such manner as not to injure the same or to obstruct or impair the use thereof, and for any injury caused thereby, the said Sullivan Harbor Water Company shall be liable.

SECT. 7. Said company may take and hold any lands necessary for flowage, and also for its dams, reservoirs, locks, gates, hydrants and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, hydrants and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds, in said county of Hancock, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Such water, land or other property shall be deemed to have been taken at the date of such filing. Said corporation, however, may make all needful explorations, surveys and levels on any lands prior to such filing.

May take lands.

—shall file plans
of location in
registry of
deeds.

SECT. 8. Said corporation shall be held liable to pay all legal damages that shall be sustained by any person, by the taking of any land, water or other 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 damage as aforesaid and said corporation cannot mutually agree upon the sum to be paid therefor, such person may cause his damages 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 railroads. All damages suffered by George C. Lyman or by his legal representatives, in property rights held by him in the waters of Long pond, under chapter six hundred and ten of the private and special laws of eighteen hundred and fifty-six, or in any other way, are understood to be included in this section and to be assessed under the same.

Liability for
damages.

—damages, how
ascertained, in
case of disagree-
ment.

CHAP. 523

May contract to supply water.

—town may contract for water, and exempt from taxation.

Penalty for injuring works, or corrupting water.

Capital stock.

May issue bonds, and mortgage property.

First meeting, how called.

Long Pond Water Co., may give notice of its desire to purchase property of corporation.

SECT. 9. Said company is hereby authorized to make contracts with the United States and with corporations and inhabitants of said town of Sullivan for the purposes of supplying water as contemplated by this act. And said town of Sullivan is hereby authorized by its selectmen to enter into contract with said company for a supply of water for any and all purposes mentioned in this act, and for such exemption from public burden as said town and said company may agree, which when made shall be legal and binding upon all parties thereto.

SECT. 10. Whoever shall wilfully or maliciously corrupt the water of said pond or streams, or any of the tributaries thereto, whether frozen or not, or in any way render such waters impure, whether frozen or not, or whoever shall wilfully or maliciously injure any of the works of said company, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to said company for three times the actual damage, to be recovered in any proper action.

SECT. 11. The capital stock of said company shall be twenty-five thousand dollars, which may be increased to one hundred thousand dollars by a vote of said company, and said stock shall be divided into shares of one hundred dollars each.

SECT. 12. Said company may issue its bonds for the construction of its works of any and all kinds, upon such rates and time as it may deem expedient, not exceeding the sum of one hundred thousand dollars, and secure the same by a mortgage of the franchise and property of said company.

SECT. 13. The first meeting of said company 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 and usual place of abode, seven days before the time of meeting.

SECT. 14. At any time prior to the first day of January in the year of our Lord eighteen hundred and ninety-three, the Long Pond Water Company, a corporation established by an act of the legislature of Maine, approved March sixth, in the year of our Lord eighteen hundred and eighty-five, may give written notice to the Sullivan Harbor Water Company of its desire to purchase the plant and franchise of the

Sullivan Harbor Water Company, and to pay therefor the actual cost of the same with interest thereon at six per cent, together with the reasonable expense of obtaining this charter and organizing hereunder, and may request of said Sullivan Harbor Water Company a detailed statement in writing of such cost and expense and of the dates from which interest should be reckoned. Such written notice and request shall not be construed as an offer to purchase on the part of the Long Pond Water Company. Thereupon the Sullivan Harbor Water Company shall, within sixty days after receiving such notice, furnish said Long Pond Water Company with such statement; including all the actual cost of said plant and of obtaining said charter and organizing as aforesaid, up to the date of such statement. And if any necessary outlay for reasonable repairs and extensions on said plant shall be made by said Sullivan Harbor Water Company after the date of such statement and before the time the full amount shall be determined upon as hereinafter provided, the amount of such outlay shall form a part of the cost of the plant and shall be included in the full sum to be paid. After the aforesaid statement of the cost shall have been so furnished, if the said companies cannot agree upon the full amount to be paid as aforesaid by the Long Pond Water Company to the Sullivan Harbor Water Company, then either of said companies may, after sixty days and before four months from the time said statement of costs is so furnished, make application to the then chief justice of the supreme judicial court of Maine to determine the full amount to be paid in accordance with this section. The said chief justice shall thereupon order such notice to the parties as he thinks necessary, hear the parties, and make his award of the full amount to be paid. Within thirty days from the time when the full amount shall be ascertained, either by the agreement of the companies or by the determination of the chief justice as aforesaid, the Long Pond Water Company, if it still desires to purchase said property, shall pay or tender the full sum so to be paid, except as limited in section fifteen, below, to the Sullivan Harbor Water Company, and the Sullivan Harbor Water Company shall thereupon convey and transfer, by deeds or other proper instruments necessary for the purpose, to said Long Pond Water Company all of its plant and franchise free of incum-

—notice, shall not be construed as an offer to purchase.

—corporation shall furnish statement of cost.

—if the companies cannot agree upon amount to be paid, Chief Justice may decide.

—he shall give hearing, and make award.

—proceedings.

CHAP. 524

—charter void, if corporation fails to comply with provisions of this section.

Conveyance, shall be subject to mortgage, if any exists at time of transfer.

S. H. Land Co., may become a stockholder.

Association shall be paid annual stipend.

branches, except as provided in section sixteen. If the Sullivan Harbor Water Company shall fail to comply with any of the provisions of this section, then this charter shall become void. The costs and expenses of the hearing before the chief justice, as provided for in this section, shall be taxed by him and shall be paid, one-half by each company.

SECT. 15. If, at the time of the conveyance and transfer mentioned in section fourteen the plant or franchise, or either of them, of the Sullivan Harbor Water Company, has been mortgaged to secure any bonds or other indebtedness then outstanding, said conveyance shall be subject to said mortgage, and the said Long Pond Water Company shall assume the payment thereof, and shall retain out of the amount to be paid in accordance with the previous section, an amount equal to the amount of all said outstanding bonds or other indebtedness so secured by said mortgage and the accrued interest thereon.

SECT. 16. The Sullivan Harbor Land Company, a corporation established and existing under the laws of the state of Maine, is hereby authorized and empowered to become a stockholder in the Sullivan Harbor Water Company, with all the privileges, rights and powers of a stockholder, and subject to all the liabilities of a stockholder.

SECT. 17. This act shall take effect when approved.

Approved March 7, 1889.

Chapter 524.

An Act to make the Ramshackle Park Association a beneficiary, under the law paying stipends to agricultural societies.

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

SECT. 1. The Ramshackle Park Association of York county, shall be paid the fair share of the annual stipends provided by law for agricultural societies, subject to the conditions imposed by law.

SECT. 2. This act shall take effect when approved.

Approved March 7, 1889.