

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 209.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-NINE.

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:*

SECTION 1. Clyde D. V. Hunt, William O.
2 Emery, Leroy S. Carter, their successors and
3 assigns are hereby made a corporation under the
4 name of the Sullivan Harbor Water Company for
5 the purpose of supplying the town of Sullivan in
6 the county of Hancock, Maine, and the inhabitants
7 of said town (except that portion of said Sullivan
8 known as Waukeag Neck or Point) with pure
9 water for domestic, sanitary, private and public
10 uses, including the extinguishment of fires.

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

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

SECT. 4. Said company is hereby authorized to
2 lay, construct and maintain in, under, through,
3 along and across the highways, ways, streets, rail-
4 roads and bridges in said town, and to take up,
5 replace and repair all such sluices, aqueducts, pipes,
6 hydrants and structures as may be necessary for
7 the purposes of their incorporation, under such
8 reasonable restrictions and conditions as the select-
9 men of said town may impose. And said company
10 shall be responsible for all damages to all corpora-
11 tions, persons and property occasioned by the use
12 of such highways, ways and streets, and shall
13 further be liable to pay to said town all sums re-

14 covered against said town for damages from
15 obstruction caused by said company, and for all
16 expenses, including reasonable counsel fees, in-
17 curred in defending such suits, with interest on
18 the same.

SECT. 5. Said company shall have power to cross
2 any water-course, private or public sewer, or to
3 change the direction thereof where necessary for
4 the purposes of their incorporation, but in such
5 manner as not to obstruct or impair the use thereof;
6 and said company shall be liable for any injury
7 caused thereby. Whenever said company shall lay
8 down any fixtures in any highway, way or street,
9 or make any alterations or repairs upon its works
10 in any highway, way or street, it shall cause the
11 same to be done with as little obstruction to public
12 travel as may be practicable, and shall at its own
13 expense, without unnecessary delay, cause the earth
14 and pavements then removed by it, to be replaced
15 in proper condition.

SECT. 6. Said company shall have power to cross
2 any pipes, sluices or aqueducts of the Long Pond
3 Water Company, when necessary for the purposes
4 of their incorporation, but in such manner as not to
5 injure the same or to obstruct or impair the use

6 thereof, and for any injury caused thereby the said
7 Sullivan Harbor Water Company shall be liable.

SECT. 7. Said company may take and hold any
2 lands necessary for flowage, and also for its dams,
3 reservoirs, locks, gates, hydrants and other neces-
4 sary structures, and may locate, lay and maintain
5 sluices, aqueducts, pipes, hydrants, and other
6 necessary structures or fixtures in, over and
7 through any lands for its said purposes, and exca-
8 vate in and through such lands for such location,
9 construction and maintenance. It may enter upon
10 such lands to make surveys and locations, and shall
11 file in the registry of deeds, in said county of Han-
12 cock, plans of such location and lands, showing the
13 property taken, and within thirty days thereafter,
14 publish notice of such filing in some newspaper in
15 said county, such publication to be continued three
16 weeks successively. Such water, land or other
17 property shall be deemed to have been taken at the
18 date of such filing. Said corporation, however,
19 may make all needful explorations, surveys and
20 levels on any lands prior to such filing.

SECT. 8. Said corporation shall be held liable to
2 pay all legal damages that shall be sustained by any
3 person, by the taking of any land, water or other
4 property, or by flowage, or by excavating through

5 any land for the purpose of laying down pipes and
6 aqueducts, building dams, reservoirs, and also dam-
7 ages for any other injuries resulting from said acts.
8 And if any person sustaining damage as aforesaid
9 and said corporation cannot mutually agree upon
10 the sum to be paid therefor, such person may cause
11 his damages to be ascertained in the same manner
12 and under the same conditions, restrictions and
13 limitations as are by law prescribed in the case of
14 damages by the laying out of railroads. All dam-
15 ages suffered by Geo. C. Lynam or by his legal
16 representatives, in property rights held by him in
17 the waters of Long Pond, under chapter six hun-
18 dred and ten of the Private and Special Laws of
19 eighteen hundred and fifty-six, or in any other
20 way, are understood to be included in this section
21 and to be assessed under the same.

SECT. 9. Said company is hereby authorized to
2 make contracts with the United States and with
3 corporations and inhabitants of said town of Sulli-
4 van for the purposes of supplying water as con-
5 templated by this act. And said town of Sullivan
6 is hereby authorized by its selectmen to enter into
7 contract with said company for a supply of water
8 for any and all purposes mentioned in this act, and

9 for such exemption from public burden as said town
10 and said company may agree, which, when made
11 shall be legal and binding upon all parties thereto.

SECT. 10. Whoever shall wilfully or maliciously
2 corrupt the water of said pond or streams or any
3 of the tributaries thereto whether frozen or not, or
4 in any way render such waters impure whether
5 frozen or not, or whoever shall wilfully or mali-
6 ciously injure any of the works of said company
7 shall be punished by fine not exceeding one thou-
8 sand dollars or by imprisonment not exceeding two
9 years, and shall be liable to said company for three
10 times the actual damage to be recovered in any
11 proper action.

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

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

SECT. 13. The first meeting of said company
2 may be called by a written notice thereof signed by
3 any three corporators herein named, served upon
4 each corporator by giving him the same in hand or
5 by leaving the same at his last and usual place of
6 abode, seven days before the time of meeting.

SECT. 14. At any time prior to the first day of
2 January, A. D. 1893, the Long Pond Water Com-
3 pany, a corporation established by an act of the
4 legislature of Maine approved March 6th., A. D.
5 1885, may give written notice to the Sullivan
6 Harbor Water Company of its desire to purchase
7 the plant and franchise of the Sullivan Harbor
8 Water Company, and to pay therefor the actual
9 cost of the same with interest thereon at six per
10 cent, together with the reasonable expense of
11 obtaining this charter and organizing hereunder,
12 and may request of said Sullivan Harbor Water
13 Company a detailed statement, in writing, of such
14 cost and expense and of the dates from which
15 interest should be reckoned.

Such written notice and request shall not be con-
17 strued as an offer to purchase on the part of the
18 Long Pond Water Company.

Thereupon the Sullivan Harbor Water Company
20 shall, within sixty days after receiving such notice,

21 furnish said Long Pond Water Company with such
22 statement, including all the actual cost of said
23 plant and of obtaining said charter and organizing
24 as aforesaid, up to the date of such statement.
25 And if any necessary outlay for reasonable repairs
26 and extensions on said plant shall be made by said
27 Sullivan Harbor Water Company after the date of
28 such statement and before the time the full amount
29 shall be determined upon as hereinafter provided,
30 the amount of such outlay shall form a part of the
31 cost of the plant and shall be included in the full
32 sum to be paid.

After the aforesaid statement of the cost shall
34 have been so furnished, if the said companies can-
35 not agree upon the full amount to be paid as afore-
36 said by the Long Pond Water Company to the
37 Sullivan Harbor Water Company, then either of
38 said companies may, after sixty days and before
39 four months from the time said statement of costs
40 is so furnished, make application to the then chief
41 justice of the supreme judicial court of Maine to
42 determine the full amount to be paid in accordance
43 with this section. The said chief justice shall
44 thereupon order such notice to the parties as he
45 thinks necessary, hear the parties, and make his
46 award of the full amount to be paid.

Within thirty days from the time when the full
48 amount shall be ascertained, either by the agree-
49 ment of the companies or by the determination of
50 the chief justice as aforesaid, the Long Pond Water
51 Company, if it still desires to purchase said prop-
52 erty, shall pay or tender the full sum so to be paid,
53 except as limited in section 15, below, to the Sulli-
54 van Harbor Water Company, and the Sullivan
55 Harbor Water Company shall thereupon convey
56 and transfer, by deeds or other proper instruments
57 necessary for the purpose, to said Long Pond
58 Water Company all of its plant and franchise free
59 of incumbrances, except as provided in section 16.

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

SECT. 15. If at the time of the conveyance and
2 transfer mentioned in section 14, the plant or fran-
3 chise, or either of them, of the Sullivan Harbor
4 Water Company has been mortgaged to secure any
5 bonds or other indebtedness then outstanding, said

6 conveyance shall be subject to said mortgage and
7 the said Long Pond Water Company shall assume
8 the payment thereof, and shall retain out of the
9 amount to be paid in accordance with the previous
10 section an amount equal to the amount of all said
11 outstanding bonds or other indebtedness so secured
12 by said mortgage and the accrued interest thereon.

SECT. 16. The Sullivan Harbor Land Company,
2 a corporation established and existing under the
3 laws of the State of Maine, is hereby authorized
4 and empowered to become a stockholder in the
5 Sullivan Harbor Water Company with all the priv-
6 ileges, rights and powers of a stockholder, and
7 subject to all the liabilities of a stockholder.

SECT. 17. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 20, 1889. }

Tabled pending third reading and ordered printed on motion of Mr.
WISWELL of Ellsworth.

NICHOLAS FESSENDEN, *Clerk.*