

MAINE STATE LEGISLATURE

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Sixty - Fourth Legislature.

SENATE.

No. 32.

STATE OF MAINE.

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

AN ACT to incorporate the Deer Isle Water Company.

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

SECTION 1. W. B. Thurlow, Frank S. Warren,
2 S. B. Thurlow, William Smith, Elmer P. Spofford,
3 F. B. Ferguson, Henry W. Sargent, S. G. Haskell,
4 Geo. M. Warren, Wm. T. Haines and Chas. A.
5 Spofford, their associates, successors and assigns,
6 are hereby created into a body corporate, by the
7 name of the Deer Isle Water Company, for the
8 purpose of supplying the town of Deer Isle in the
9 county of Hancock and the inhabitants of said
10 town with water for industrial, manufacturing,

11 domestic, sanitary and municipal purposes, includ-
12 ing the extinguishment of fires, and sprinkling of
13 streets.

SECT. 2. Said corporation for said purposes may
2 flow, detain, take, collect, store, use and distribute
3 water from any pond or stream flowing from any
4 pond, in said Deer Isle, and may locate, construct
5 and maintain dams, cribs, reservoirs, locks, gates,
6 sluices, aqueducts, pipes, hydrants and all other
7 necessary structures therefor.

SECT. 3. Said company is hereby authorized
2 to lay, construct and maintain, under, through,
3 along and across the highways, ways, streets, rail-
4 roads, bridges in said town, and to take up, replace
5 and repair all such sluices, aqueducts, pipes, hy-
6 drants and structures as may be necessary for the
7 purposes of their incorporation under such reason-
8 able restrictions and conditions as the selectmen
9 of said town may impose. And said company
10 shall be responsible for all damages to all corpo-
11 rations, persons and property occasioned by the
12 use 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 the
18 same.

SECT. 4. 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. Whensoever said company shall
8 lay down any fixtures in any highway, way or
9 street, or make any alterations or repairs upon its
10 works in any highway, way or street it shall cause
11 the same to be done with as little obstruction to
12 public travel as may be practicable and shall at its
13 own expense, without unnecessary delay, cause any
14 earth or pavements then removed by it, to be placed
15 in proper condition.

SECT. 5. Said company can 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 neces-
6 sary structures and fixtures in, over and through
7 any land for its said purposes, and excavate in and

8 through such lands for such location, construction
9 and maintenance.

SECT. 6. Should the said company and the owner
2 of such land be unable to agree upon the damages
3 to be paid for such location, taking, holding and
4 construction, the land owner man within twelve
5 months after such taking shall apply to the commis-
6 sioners of said county of Hancock, and cause such
7 damages to be assessed in the same manner and
8 under the same conditions, restrictions, and limita-
9 tions as are by law prescribed in the case of dama-
10 ges resulting from the laying out of highways, so
11 far as such law is consistent with this act. Said
12 company may make a tender to any land owner
13 damaged under the provisions of this act, and if
14 such owner recovers more damages than were
15 tendered to him by said company, he shall recover
16 costs, otherwise said company shall recover costs.

SECT. 7. Said company is hereby authorized to
2 make contracts with the United States and with
3 corporations and the said town of Deer Isle for the
4 purpose of supplying water as contemplated by
5 this act.

And said town of Deer Isle is hereby authorized
7 by its selectmen to enter any contract with said
8 company for a supply of water for any and all

9 purposes mentioned in this act, including the re-
10 mission of taxes upon real estate, fixtures, franchise
11 and plant of said corporation.

SECT. 8. Whoever shall wilfully or maliciously
2 corrupt the water of any pond or stream from which
3 said company shall take water, or any of the tribu-
4 taries thereto whether frozen or not, or in any way
5 render such water impure whether frozen or not, or
6 whoever shall wilfully or maliciously injure any of
7 the work of said company, shall be punished by
8 fine not exceeding one thousand dollars, or by
9 imprisonment not exceeding two years, and shall be
10 liable to said company for three times the actual
11 damage to be recovered in any proper action.

SECT. 9. If said company shall find it necessary
2 to lay its pipes over tide waters, it may build and
3 maintain all necessary piers and other structures
4 causing as little obstruction to navigation as pos-
5 sible.

SECT. 10. The capital stock of said company
2 shall not exceed one hundred thousand dollars, and
3 said stock shall be divided into shares of fifty dol-
4 lars each.

SECT. 11. Said company for all of its said pur-
2 poses may hold real and personal estate necessary

3 and convenient therefor, not exceeding in amount
4 one hundred thousand dollars.

SECT. 12. Said company may issue its bonds for
2 the construction of any of its works of any and all
3 kinds, upon such rates and time as it may deem
4 expedient, not exceeding the sum of one hundred
5 thousand dollars, and secure the same by mortgage
6 of the franchise and the 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 one incorporator herein named, served upon
4 each incorporator by giving in hand or by leaving
5 the same at his last usual place of abode, seven days
6 before the time of meeting.

SECT. 14. Same act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN SENATE, January 29, 1889.

Presented by Mr. SARGENT of Hancock, and pending reference to
Committee on Legal Affairs, laid on table to be printed.

C. W. TILDEN, *Secretary.*