

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Fifth Legislature.

HOUSE.

No. 215.

STATE OF MAINE.

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

AN ACT to incorporate the Blunt's Pond Water Company.

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

SECTION 1. John Shoenbar, Joseph D. Prescott, W.
2 H. Couillard and such persons as they may associate with
3 themselves in the enterprise, and their successors, are
4 hereby incorporated into a corporation by the name of the
5 Blunt's Pond Water Company, for the purpose of supplying
6 the town of Lamoine in the county of Hancock, and the
7 inhabitants of said town with pure water for domestic, san-
8 itary and municipal purposes, including extinguishment of
9 fires.

SECT. 2. Said company for said purposes may flow,
2 detain, collect, take, store, use and distribute water from

3 Blunt's pond in said Lamoine, and streams flowing in and
4 out of the same, and may locate, construct and maintain
5 dams, cribs, reservoirs, locks, gates, sluices, aqueducts,
6 pipes, hydrants and all other necessary structures therefor.

SECT. 3. Said company is hereby authorized to lay,
2 construct and maintain in, under, through, along and
3 across the highways, ways, streets, railroads and bridges
4 in said town, and to take up, replace and repair all such
5 sluices, aqueducts, pipes, hydrants and structures as may
6 be necessary for the purposes of their incorporation,
7 under such reasonable restrictions and conditions as the
8 selectmen of said town may impose. And said company
9 shall be responsible for all damages to persons and prop-
10 erty occasioned by the use of such highways, ways and
11 streets, and shall further be liable to pay to said town all
12 sums recovered against said town for damages from
13 obstruction caused by said company, and for all expenses,
14 including reasonable counsel fees incurred in defending
15 such suits, with interest on the same.

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

12 cause the earth and pavements there removed by it to be
13 replaced in proper condition.

SECT. 5. Said company may take and hold any lands
2 necessary for flowage, and also for its dams, reservoirs,
3 locks, gates, hydrants, and other necessary structures,
4 and may locate, lay and maintain sluices, aqueducts, pipes,
5 hydrants and other necessary structures or fixtures in,
6 over and through any lands for its said purposes, and
7 excavate in and through such lands for such location, con-
8 struction and maintenance. It may enter upon such lands
9 to make surveys and locations, and shall file in the regis-
10 try of deeds, for said county of Hancock, plans of such
11 location and lands, showing the property taken, and within
12 thirty days thereafter, publish notice of such filing in some
13 newspaper in said county, such publication to be continued
14 three weeks successively. Not more than two rods in
15 width of land shall be occupied by any one line of pipe or
16 aqueduct, and not more than two acres by any one
17 reservoir.

SECT. 6. Should the said company and the owner of
2 such land be unable to agree upon the damages to be paid
3 for such location, taking, holding and construction, the
4 land owner may, within twelve months after said filing of
5 plans of location, apply to the commissioners of said
6 county of Hancock, and cause such damages to be assessed
7 in the same manner and under the same conditions, re-
8 strictions and limitations as are by law prescribed in the
9 case of damages by the laying out of highways so far as
10 such law is consistent with the provisions of this act. If
11 said company shall fail to pay such land owner, or deposit
12 for his use with the clerk of the county commis-

13 sioners aforesaid, such sum as may be finally awarded
14 as damages, with costs when recovered by him, within
15 ninety days after notice of final judgment shall have
16 been received by the clerk of courts of said county. The
17 said location shall be thereby invalid, and said company
18 forfeit all rights under the same as against such land
19 owner. Said company may make a tender to any land
20 owner damaged under the provisions of this act, and if
21 such land owner recovers more damages than were ten-
22 dered him by said company, he shall recover costs, other-
23 wise said company shall recover costs. In case said com-
24 pany shall begin to occupy such lands before the rendition
25 of final judgment, the land owner may require said com-
26 pany to file its bond to him with said county commission-
27 ers, in such sum and with such sureties as they approve,
28 conditioned for said payment or deposit. No action shall
29 be brought against said company for such taking, holding
30 and occupation, until after such failure to pay or deposit
31 as aforesaid. Damages caused by flowage are to be
32 ascertained and paid in the same manner. Failure to
33 apply for damages within one year by the land owner
34 shall be held to be a waiver of the same.

SECT. 7. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have
3 his damages assessed in the manner provided in the pre-
4 ceding section, and payment therefor shall be made in the
5 same manner and with the same effect. No action shall be
6 brought for the same until after the expiration of the time
7 of payment. And a tender by said company may be made
8 with the same effect as in the preceding section.

SECT. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations,
3 and inhabitants of said town of Lamoine for the purpose
4 of supplying water as contemplated by this act; and said
5 town of Lamoine is hereby authorized to enter into con-
6 tract with said company for a supply of water for public
7 uses, on such terms as the parties may agree, including
8 exemption from public burdens, which, when made shall
9 be legal and binding on all parties thereto, and said town
10 of Lamoine for these purposes may raise money in the
11 same manner as for other town charges.

SECT. 9. Whoever shall wilfully or maliciously in any
2 way corrupt the water of said pond or streams or any of
3 the tributaries thereto, whether frozen or not, or shall
4 wilfully or maliciously, in any way, render such waters
5 impure, whether frozen or not, or whoever shall wilfully
6 or maliciously injure any of the works of said company,
7 shall be punished by fine not exceeding one thousand dol-
8 lars, or by imprisonment not exceeding one year, and shall
9 be liable to said company for three times the actual dam-
10 age, to be recovered in any proper action; but nothing
11 herein shall prevent the public from cutting ice in said
12 pond in a reasonable and proper manner.

SECT. 10. The capital stock of said company shall be
2 one hundred thousand dollars, which may be increased to
3 five hundred thousand dollars by a vote of said company,
4 and said stock shall be divided into shares of ten dollars
5 each.

SECT. 11. Said company for all of its said purposes,
2 may hold real and personal estate necessary and convenient

3 therefor, not exceeding in amount five hundred thousand
4 dollars.

SECT. 12. Said company may issue its bonds for the
2 construction of its works of any and all kinds upon such
3 rates and time as it may deem expedient, to the amount
4 not exceeding in all the sum of five hundred thousand dol-
5 lars and secure the same by mortgage of the franchise and
6 property of said company, but the bonds issued shall not at
7 any time exceed in amount the capital stock of the com-
8 pany.

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

SECT. 14. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1891.

Tabled, pending first reading by Mr. HERRICK of Bethel, and ordered
printed.

W. S. COTTON, *Clerk.*