

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



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1892.

Sixty-Fifth Legislature.

SENATE.

No. 49.

STATE OF MAINE.

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

AN ACT to incorporate the Seal Harbor and Shore Front
Water Company.

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

SECTION 1. James T. Gardiner, D. Everett Kimball,
2 Alanson E. Clement, Edwin H. Abbot and William C.
3 Doane, and such persons as they may associate with them-
4 selves in the enterprise are hereby incorporated into a
5 corporation by the name of the Seal Harbor and Shore
6 Front Water Company for the purpose of supplying the
7 village of Seal Harbor, the territory lying between said
8 Seal Harbor and North East Harbor in the town of Mount
9 Desert, county of Hancock and State of Maine, with pure
10 water for domestic, sanitary and municipal purposes, the
11 extinguishment of fires, the supply of shipping and the
12 use of manufactories.

SECT. 2. Said corporation for said purposes shall have
2 power and is hereby authorized to detain, take, store, use
3 and distribute water from Jordan's pond in said town of
4 Mount Desert and from all streams flowing therefrom and
5 tributary thereto, and is also authorized to erect and
6 maintain dams and reservoirs, and to lay down and main-
7 tain pipes and aqueducts necessary for the proper accumu-
8 lation, conducting, discharging, distributing and disposing
9 of water and forming proper reservoirs therefor. And
10 said corporation may take and hold by purchase or other-
11 wise, any lands or real estate necessary for the purposes
12 of this corporation.

SECT. 3. Said corporation is hereby authorized for the
2 purposes aforesaid, to erect a dam or dams at the outlet of
3 said Jordan's pond or elsewhere, of sufficient height and
4 strength to increase the capacity of said pond for the hold-
5 ing of water, to the extent of four feet higher than its
6 present mean level.

SECT. 4. Said corporation shall have power to cross any
2 water course, 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
6 for any injury caused thereby.

SECT. 5. Said corporation is hereby authorized to lay
2 down, in and through the streets and ways in said town
3 of Mount Desert and to take up and replace and repair
4 all such pipes, aqueducts and fixtures as may be necessary
5 for the purposes of their incorporation. Whenever said
6 company shall lay down any fixtures in any highway, way
7 or street, or make any alterations or repairs upon its

8 works in any highway, way or street, it shall cause the
9 same to be done with as little obstruction to public travel
10 as may be practicable, and shall at its own expense, with-
11 out unnecessary delay, cause the earth and pavements
12 there removed by it to be replaced in proper condition.
13 And said corporation shall be responsible for all damages
14 to persons and property occasioned by the use of such
15 streets and ways, and shall further be liable to pay to said
16 town all such sums recovered against said town, for
17 damages from obstruction of defects of said streets and
18 ways, caused by said corporation, and for all expenses,
19 including reasonable counsel fees incurred in defending
20 such suits, with interest on the same.

SECT. 6. Said corporation 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,
5 pipes, hydrants and other necessary structures or fixtures
6 in, 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 in said county of Hancock, plans of such
11 locations and lands, showing the property taken, and
12 within thirty days thereafter, publish notice of such filing
13 and of taking in some newspaper in said county, such
14 publication to be continued three weeks successively.
15 Not more than two rods in width of land shall be occupied
16 by any one line of pipes or aqueducts, and not more than
17 five acres by any one reservoir.

SECT. 7. 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 or the corporation may, within twelve months
5 after said filing of plans and location, apply to the com-
6 missioners of said county of Hancock, and cause such
7 damages to be assessed in the same manner and under the
8 same conditions, restrictions and limitations as are by law
9 prescribed in the case of damages by the laying out of
10 highways, so far as such law is consistent with the provi-
11 sions of this act. If said company shall fail to pay such land
12 owner, or deposit for his use with the clerk of the county
13 commissioners aforesaid, such sum as may be finally
14 awarded as damages, with costs, when recovered by him,
15 within ninety days after notice of final judgment shall
16 have been received by the clerk of courts of said county,
17 the said location shall be thereby invalid, and said com-
18 pany shall forfeit all rights under the same, as against
19 such land owner. Said company may make a tender to any
20 land owner damaged under the provisions of this act, and
21 if 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
24 company shall begin to occupy such lands before the
25 rendition of final judgment, the land owner may require
26 said company to file its bonds to him with said county
27 commissioners, in such sum and with such sureties as they
29 may approve, conditioned for said payment or deposit.
30 No action shall be brought against said company for such
31 taking, holding and occupation until after such failure to

32 pay or deposit as aforesaid. Damages caused by flowage
33 are to be ascertained and paid in the same manner.

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

SECT. 9. Said corporation is hereby authorized to make
2 contracts with the United States, the State of Maine and
3 with corporations and inhabitants of said town of Mount
4 Desert, for the purpose of supplying water, as contem-
5 plated by this act. And said town of Mount Desert is
6 hereby authorized by its municipal officers to enter into
7 contract with said company, for a supply of water for any
8 and all purposes mentioned in this act, and for such
9 exemption from public burden as said town and said com-
10 pany may agree, which, when made shall be legal and
11 binding upon all parties thereto.

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

SECT. 11. For the purpose of raising funds to be used
2 in the construction of its works and to carry out the pur-

3 poses for which it was created as provided by this act, said
4 company is hereby authorized to issue its bonds to an amount
5 not exceeding fifty thousand dollars, of such date and
6 denomination, and payable at such times as the said
7 company may determine and to secure the said bonds,
8 both principal and interest by a mortgage upon all its
9 property both real and personal and also upon the franchise
10 of the corporation.

SECT. 12. The capital stock of said corporation shall
2 not be less than one thousand dollars, divided into shares
3 of twenty-five dollars each, which may, by vote of said
4 company be increased so as not to exceed fifty thousand
5 dollars.

SECT. 13. The first meeting of said corporation may
2 be called by any three of the within named corporators, by
3 publishing notice of the time and place and object thereof,
4 in any newspaper published in the county of Hancock, at
5 least seven days before the time of holding said meeting ;
6 and at said meeting the officers of said corporation may be
7 chosen, and such other corporation business done as may
8 may be deemed requisite and proper.

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

STATE OF MAINE.

IN SENATE, February 6, 1891.

Reported by Mr. MAYO from Committee on Legal Affairs, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*