

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 156.

STATE OF MAINE.

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

AN ACT to incorporate the Searsport Water Company.

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

Section 1. J. W. Black, F. I. Mortland, W. Grinnell, W.
2 H. Hayden, C. F. Gordon, J. H. Kneeland, their associates,
3 successors, and assigns, are hereby made a corporation by
4 the name of the Searsport Water Company, for the purpose
5 of supplying the town of Searsport, in the county of Waldo,
6 and the inhabitants of said town, with pure water for domes-
7 tic, sanitary and municipal purposes, including extinguish-
8 ment of fires.

Sect. 2. Said company, for said purposes, may retain,
2 collect, take, store, use and distribute water from any

3 springs, except such springs as are in actual use for domes-
4 tic purposes, ponds, streams, or other water sources in
5 said Searsport, or from Boyd's Pond in Stockton Springs,
6 and may locate, construct and maintain cribs, reservoirs,
7 aqueducts, gates, pipes, hydrants and all other necessary
8 structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, through, along and across
3 the highways, ways, streets, railroads and bridges in said
4 towns and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants and structures as may be neces-
6 sary for the purposes of its incorporation, so as not to
7 unreasonably obstruct the same, under such reasonable
8 restrictions and conditions as the selectmen of said towns
9 may impose. It shall be responsible for all damages to per-
10 sons and property occasioned by the use of such highways,
11 ways and streets, and shall further be liable to pay to said
12 town all sums recovered against said towns for damages for
13 obstruction caused by said company, and for all expenses,
14 including reasonable counsel fees incurred in defending such
15 suits, with interest on the same, provided said company
16 shall have notice of such suits and opportunity to defend the
17 same.

Sect. 4. Said company shall have power to cross any
2 water course, private and public sewer, or to change the
3 direction thereof when necessary for the purposes of its
4 incorporation, but in such manner as not to obstruct or
5 impair the use thereof, and it shall be liable for any injury
6 caused thereby. Whenever said company shall lay down

7 any fixture in any highway, way or street, or make any
8 alterations or repairs upon its works in any highway, way
9 or street, it shall cause the same to be done with as little
10 obstruction to public travel as may be practicable, and shall
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced in
13 proper condition.

Sect. 5. Said company may take and hold any waters as
2 limited in section two and also any lands necessary for res-
3 ervoirs, and other necessary structures, and may locate, lay
4 and maintain, aqueducts, pipes, hydrants and other neces-
5 sary structures or fixtures in, over and through any lands for
6 its said purposes, and excavate in and through such lands
7 for such location, construction and maintenance. It may
8 enter upon such lands to make surveys and location, and
9 shall file in the registry of deeds for said county of Waldo,
10 plans of such location and lands, showing the property
11 taken, and within thirty days thereafter, publish notice of
12 such filing in some newspaper in said county, such publica-
13 tion to be continued three weeks successively. Not more
14 than one rod in width of land shall be occupied by any one
15 line of pipe or aqueduct.

Sect. 6. Should the said company and the owner of such
2 land so taken be unable to agree upon the damages to be
3 paid 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 county
6 of Waldo, and cause such damages to be assessed in the
7 same manner and under the same conditions, restrictions

8 and limitations as are by law prescribed in the case of dam-
9 ages by the laying out of highways, so far as such law is
10 consistent with the provisions of this act. If said company
11 shall fail to pay such land owner, or deposit for his use with
12 the clerk of the county commissioners aforesaid, such sum
13 as may be finally awarded as damages, with costs when
14 recovered by him, within ninety days after notice of final
15 judgment shall have been received by the clerk of courts of
16 said county, the said location shall be thereby invalid, and
17 said company forfeit all rights under the same as against
18 such land owner. Said company may make a tender to any
19 land owner damaged under the provisions of this act, and
20 if such land owner recovers more damages than were ten-
21 dered him by said company, he shall recover costs, other-
22 wise said company shall recover costs. In case said com-
23 pany shall begin to occupy such lands before the rendition
24 of final judgment, the land owner may require said company
25 to file its bond to him with said county commissioners, in
26 such sum and with such sureties as they approve, con-
27 ditioned for said payment or deposit. No action shall be
28 brought against said company for such taking, holding and
29 occupation, until after such failure to pay or deposit as afore-
30 said. Failure to apply for damages within three years by
31 the land owner, 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 his
3 damages assessed in the manner provided in the preceding
4 section, and payment therefor shall be made in the same
5 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, and
3 inhabitants of said town of Searsport or any village corpora-
4 tion therein for the purpose of supplying water as contem-
5 plated by this act; and said town of Searsport by its select-
6 men, or such village corporation by its assessors, is hereby
7 authorized to enter into contract with said company for a
8 supply of water for public uses on such terms and for such
9 time as the parties may agree, which when made, shall be
10 legal and binding on all parties thereto, and said town of
11 Searsport for this purpose may raise money in the same
12 manner as for other town charges.

Sect. 9. The capital stock of said company shall be fifty
2 thousand dollars, and said stock shall be divided into shares
3 of one hundred dollars each.

Sect. 10. Said company for all of its said purposes, may
2 hold real and personal estate necessary and convenient
3 therefor, not exceeding in amount two hundred thousand
4 dollars.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works of any and all kinds upon such rates
3 and time as it may deem expedient, to an amount not
4 exceeding in all the capital stock of said corporation, and
5 secure the same by mortgage or mortgages of the franchise
6 and property of said company.

Sect. 12. The first meeting of said company may be called
2 by a written notice thereof, signed by any corporator herein
3 named, served upon each corporator by giving him the
4 same in hand, or by leaving the same at his last usual place
5 of abode, seven days before the time of meeting.

Sect. 13. This act shall become null and void in two years
2 from the day when the same shall take effect, unless said
3 company shall have organized and commenced actual busi-
4 ness under this charter.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

February 25, 1897.

Reported by Mr. WHELDEN of Portland, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*