

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 258.

STATE OF MAINE.

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

AN ACT to incorporate the Lamoine Beach Water Company.

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

Section 1. Hannibal E. Hamlin, Charles H. Drummey,
2 John A. Peters, Jr., and such persons as they may associate
3 with themselves in the enterprise, and their successors, are
4 hereby incorporated into a corporation by the name of the
5 Lamoine Beach Water Company, for the purpose of supply-
6 ing the town of Lamoine, in the county of Hancock, and the
7 inhabitants of said town with pure water for domestic, sani-
8 tary and municipal purposes, including extinguishment of
9 fires.

Sect. 2. Said company for said purposes may flow, detain,
2 collect, take, store, use and distribute water from Blunt's
3 pond in said Lamoine, and streams flowing in and out of the

4 same, and may locate, construct and maintain dams, cribs,
5 reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants
6 and all other necessary 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 town 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 their incorporation, under such
7 reasonable restrictions and conditions as the selectmen of
8 said town may impose. And said company shall be respon-
9 sible for all damages to persons and property occasioned
10 by the use of such highways, ways and streets, and shall
11 further be liable to pay to said town all sums recovered
12 against said town for damages from obstruction caused by
13 said company, and for all expenses, including reasonable
14 council fees incurred in defending such suits, with interest
15 on the same.

Sect. 4. Said company shall have power to cross any
2 water course, private or public sewer, or to change the direc-
3 tion thereof when necessary for the purposes of their incor-
4 poration, but in such manner as not to obstruct or impair
5 the use thereof, and said company shall be liable for any
6 injury caused thereby, whenever said company shall lay
7 down any fixtures in any highway, 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 lands necessary for flowage, and also for its dams, reservoirs, locks, gates, hydrants and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, hydrants and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Hancock, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct, and not more than two acres by any one reservoir.

Sect. 6. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Hancock, and cause such damages to be assessed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said

16 county, the said location shall be thereby invalid, and said
17 company forfeit all rights under the same as against such
18 land owner. Said company may make a tender to any land
19 owner damaged under the provisions of this act, and if such
20 land owner recovers more damages than were tendered him
21 by said company, he shall recover costs, otherwise said
22 company shall recover costs. In case said company shall
23 begin to occupy such lands before the rendition of final
24 judgment, the land owner may require said company to file
25 its bond to him with said county commissioners, in such
26 sum and with such sureties as they approve, conditioned
27 for said payment or deposit. No action shall be brought
28 against said company for such taking, holding and occupa-
29 tion, until after such failure to pay or deposit as aforesaid.
30 Damages caused by flowage are to be ascertained and paid
31 in the same manner. Failure to apply for damages within
32 one year by the land owner, shall be held to be a waiver of
33 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 of
7 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 of
4 supplying water as contemplated by this act; and said town
5 of Lamoine is hereby authorized to enter into contract with

6 said company for a supply of water for public uses on such
7 terms as the parties may agree, including exemption from
8 public burdens, which when made shall be legal and bind-
9 ing on all parties thereto, and said town of Lamoine for
10 these purposes may raise money in the same manner as for
11 other town charges.

Sect. 9. The capital stock of said company shall be five
2 thousand dollars, which may be increased to one hundred
3 thousand dollars by a vote of said company, and said stock
4 shall be divided into shares of ten 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 one 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 the amount not
4 exceeding in all the sum of one hundred thousand dollars
5 and secure the same by mortgage of the franchise and prop-
6 erty of said company, but the bonds issued shall not at any
7 time exceed in amount, the capital stock of the company
8 subscribed for.

Sect. 12. 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. 13. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 10, 1897.

Reported by Mr. SMITH of Presque Isle, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*