

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 398

STATE OF MAINE.

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

AN ACT to establish East Machias Light and Water Company.

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

Section 1. Warren F. Pope, John A. McDonald, C. Hollis
2 White and A. D. McFaul, with their associates and succes-
3 sors, are hereby made a corporation by name of East Machias
4 Light and Water Company, for the purpose of supplying the
5 inhabitants of the town of East Machias, in the county of
6 Washington, with suitable water for industrial, domestic,
7 sanitary and municipal purposes, including the extinguish-
8 ment of fire; with all the rights and privileges, and subject to
9 all the liabilities and obligations of similar corporations under
10 the laws of this state. And also for the purpose of supplying
11 the inhabitants of said East Machias with light for factories,
12 hotels, dwelling and any and all places where illumination
13 may be desired.

Sect. 2. The said corporation for all its said purposes, may
2 hold real and personal estate necessary and convenient there-
3 for to any amount not exceeding one hundred thousand
4 dollars.

Sect. 3. For the purposes aforesaid, or for the storage and
2 preservation of the purity of said water, said corporation is
3 hereby authorized to take and use water from said East
4 Machias river, or from any spring, pond, brook or other
5 water in said town of East Machias or from any spring, lake,
6 river, brook or pond in either of the adjoining towns of East
7 Machias; to collect, conduct and distribute the same into and
8 through the said town of East Machias; to survey for, lay,
9 erect, and maintain suitable dams, reservoirs, and machinery,
10 pipes, aqueducts and the necessary fixtures; to carry its pipes
11 or aqueducts under, in and over the East Machias river, or
12 under or over any water course, bridges, street railroad, high-
13 way or other way; and said corporation is further authorized
14 to enter upon and excavate any highway or other way in such
15 a manner as to least obstruct the same, enter, pass over and
16 excavate any lands, and to take and hold by purchase or
17 otherwise any real estates, rights of way or of water, and in
18 general to acts necessary, convenient or proper, for carrying
19 out any of the purposes hereinbefore specified. And said
20 corporation is further authorized for the purpose of making
21 all needed repairs or services connections, to lay its pipes
22 through any public or private land or ways, with the right
23 to enter upon the same, or dig therein; and said corporation
24 may make written regulations for the use of said water and
25 change the same from time to time.

Sect. 4. Said corporation shall file in the registry of deeds
2 for the county wherein located, plans and a description of all
3 lands and water rights taken or in which an easement is
4 taken, under the provisions of this act; and a statement of

5 the purposes for which said lands and easements are taken;
6 and within thirty days thereafter publish a notice of such
7 filing in some newspaper in said county, said publication to
8 be continued for three weeks successively; and the filing of
9 such plans and descriptions shall be deemed to be a taking
10 of such lands, water rights and easements; and with such
11 plans and description the said corporation may file a state-
12 ment of the damage it is willing to pay the owner for any
13 property so taken, and if the amount finally awarded, exceeds
14 that sum, such owner shall recover costs against the corpo-
15 ration, otherwise the corporation shall recover costs against
16 the owner.

Sect. 5. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any persons, to themselves
3 or their property, occasioned by the use of such streets and
4 ways, and shall pay to said town of East Machias all sums
5 recovered against said town of East Machias for damages
6 from obstruction caused by said corporation and for all
7 expense including reasonable counsel fees incurred in defend-
8 ing such suits, with interest on the same; but said corpora-
9 tion may assure the defense of suits brought to recover
10 damages, aforesaid and also for all damages sustained by any
11 person by the taking of any land for the purpose of laying or
12 building any dams, reservoirs, pipes and aqueducts, and for
13 any other injuries resulting from said acts; and if any person
14 sustaining damage as aforesaid, shall not agree with said
15 corporation upon the sum to be paid therefor, either party on
16 petition of the county commissioners of Washington county,
17 within twelve months after said plans are filed may have said
18 damages assessed by them, and subsequent proceedings, and
19 right of appeal thereon, shall be had in the same manner and
20 under the same conditions, restrictions and limitations, as are
21 by law prescribed in the case of damages by the laying out of

22 highways. Failure to apply for damages within said twelve
23 months, shall be held to be a waiver of the same.

Sect. 6. Said corporation is hereby authorized to make
2 agreements with the United States, state of Maine, county of
3 Washington, the town of East Machias, or any village corpo-
4 ration within the limitations of said town, and with the inhab-
5 itants thereof, or with any corporation doing business in the
6 said town, for the purpose of supplying water as contem-
7 plated by this act; and the said town of East Machias, or
8 village corporation duly organized therein, by their selectmen
9 or other duly authorized officers are hereby authorized to
10 enter into an agreement with the said corporation for a supply
11 of water for any and all purposes specified in this act, upon
12 such terms and conditions, and for such times as the said
13 town or village corporation and the said corporation may
14 agree upon; and the payment of any tax which may be
15 assessed upon the property or franchise of the said corpora-
16 tion by the said town of East Machias, or any village corpo-
17 ration organized therein, may be included as a part of the
18 consideration for the supply of said water, provided the said
19 town of East Machias, or any village corporation therein so
20 vote. And the said town of East Machias or any village
21 corporation therein may raise money for this purpose in the
22 same manner as for other town or village corporation charges.

Sect. 7. Said corporation shall have the power to cross any
2 water course, railways, or private ways, private or public
3 sewers or change the direction of such sewers when necessary
4 for the purpose of its incorporation, but in such a manner as
5 not to obstruct or impair the use thereof; and the said corpo-
6 ration shall be liable for any injury caused thereby. When-
7 ever the said corporation shall lay pipe in any street, highway
8 or other way, it shall cause the same to be done with as little
9 obstruction as possible to public travel as may be practicable,

10 and shall, at his own expense, without unnecessary delay,
11 cause the earth and pavements to be put in proper condition.
12 In case of failure to agree with any railroad company as to
13 the place, manner or conditions of crossing its railroad with
14 such pipes or aqueducts, the place, manner and conditions of
15 such crossings shall be determined by the railroad commis-
16 sioners, and all work within the limits of the railroad location
17 and lands shall be done under the supervision of the officers
18 and agents of the railroad company, but at the expense of the
19 said corporation.

Sect. 8. The capital stock of the said corporation shall be
2 twenty thousand and 00-100 (20,000.00) dollars, which may
3 be increased to any sum not exceeding fifty thousand and
4 00-100 (50,000.00) dollars by a vote of said corporation;
5 such capital stock shall be divided into shares of one hundred
6 00-100 (100.00) dollars each.

Sect. 9. Said corporation, to aid in the construction of its
2 work on any and all kinds, is hereby authorized to issue its
3 bonds in such form and amount and on such time and rates,
4 as it may deem expedient; not exceeding in the aggregate the
5 amount of capital stock authorized and issued; and may
6 secure the sum by mortgage or mortgages on the franchise
7 and property of the said corporation.

Sect. 10. The first meeting of the said corporation shall be
2 called by a written notice thereof, signed by any two of the
3 corporators named herein, served upon each corporator by
4 giving him the same in hand, or by leaving the same at his
5 last and usual place of abode, at least seven days before the
6 time of meeting.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, March 13, 1901.

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

W. S. COTTON, *Clerk.*