

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 399

STATE OF MAINE.

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

AN ACT to incorporate the Jonesport Light and Water
Company.

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

Section 1. Edward B. Sawyer, George W. Smith, Charles
2 S. Hinkley and George M. Curtis with their associates and
3 successors, are hereby made a corporation by the name of the
4 Jonesport Light and Water Company, for the purpose of
5 supplying the town of Jonesport in the county of Washing-
6 ton, with suitable water for industrial, domestic, sanitary,
7 and municipal purposes, including the extinguishment of fire
8 with all the rights and privileges, and subject to all the liabil-
9 ities and obligations of similar corporations under the laws
10 of this state. And also for the purpose of supplying the
11 inhabitants of said Jonesport with light for factories, hotels,

12 dwellings, and any and all places where illumination may be
13 needed or desired.

Sect. 2. The said corporation for all its said purposes,
2 may hold real and personal estate necessary and convenient
3 therefore for any amount not exceeding one hundred thou-
4 sand 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 Indian river,
4 or from any spring, pond, brook or other water in the said
5 town of Jonesport or from any spring, brook or pond in
6 either of the adjoining towns of Jonesport and Addison;
7 provided that no water be taken from springs now used for
8 domestic or private purposes without consent of owner; to
9 collect, conduct and distribute the same into and through the
10 said town of Addison for the said towns of Addison and
11 Jonesport; to survey for, locate, lay, erect and maintain suit-
12 able reservoirs and machinery, pipes, aqueducts and the
13 necessary fixtures; to carry its pipes or aqueducts under, in
14 and over Indian river, or under or over any water course,
15 bridge, street railroad, highway or other way; and said cor-
16 poration is further authorized to enter upon and excavate any
17 highway or other way in such a manner as to least obstruct
18 the same, enter, pass over and excavate any lands, and to
19 take and hold by purchase or otherwise any real estate, rights
20 of way or water, and in general do any acts necessary, con-
21 venient, or proper for carrying out any of the purposes here-
22 inbefore specified. And said corporation is further author-
23 ized for the purpose of making all needed repairs or service
24 connections, to lay its pipes through any public or private
25 lands or ways, with the right to enter upon the same, or dig
26 therein; and said corporation may make written regulations

27 for the use of said water, and change the same from time to
28 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 the
5 purpose for which said lands and easements are taken; and
6 within thirty (30) days thereafter publish a notice of such
7 filing in some newspaper in said county, said publication to
8 be continued three (3) weeks successively; and the filing of
9 such plans and description shall be deemed to be a taking of
10 such lands, water rights and easements; and with such plans
11 and description the said corporation may file a statement of
12 the damage it is willing to pay the owner for any property
13 so taken, and if the amount finally awarded, exceeds that
14 sum, such owner shall recover costs against the corporation;
15 otherwise, the corporation shall recover costs against such
16 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 Jonesport all sums recov-
5 ered against said town from obstructions occasioned by said
6 corporation, and for all expense, including reasonable counsel
7 fees incurred in defending such suits, with interest on the
8 same; but said corporation may assure the defense of suits
9 brought to recover damages, aforesaid; and also for all
10 damages sustained by any person by the taking of any land,
11 water, rights of way or other property, or by excavating
12 through any land for the purpose of laying or building any
13 dams, reservoirs, pipes and aqueducts, and for any other
14 injuries resulting from said acts.

And if any person sustaining damage as aforesaid, shall not
16 agree with said corporation upon the sum to be paid therefor,
17 either party, on the petition to the county commissioners of
18 Washington county, within twelve months after said plans
19 are filed, may have said damage assessed by them, and sub-
20 sequent proceedings, and right of appeal thereon shall be had
21 in the same manner and under the same conditions, restric-
22 tions and limitations, as are by law prescribed in the case of
23 damages by the laying out of highways. Failure to apply
24 for damages within said twelve months, shall be held to be
25 a waiver of the same.

Sect. 6. Said corporation is hereby authorized to make
2 agreements with the United States, state of Maine, the county
3 of Washington, the town of Jonesport, or any village corpo-
4 ration within the limits of said town, and with the inhabitants
5 thereof, or with any corporation doing business in the said
6 town, for the purpose of supplying water as contemplated by
7 this act. And the said town of Jonesport or any other vil-
8 lage 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 Jonesport, or any village corporation
17 organized therein, may be included as a part of the consid-
18 eration for supply of said water, provided the said town of
19 Jonesport or any village corporation therein so vote. And
20 the said town of Jonesport, or any village corporation therein
21 may raise money for this purpose in the same manner as for
22 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 neces-
4 sary for the purpose of its incorporation, but in such a man-
5 ner as not to obstruct or impair the use thereof; and the said
6 corporation shall be liable for any injury caused thereby.
7 Whenever the said corporation shall lay pipe in any street,
8 highway, or way, it shall cause the same to be done with as
9 little obstruction to public travel as may be practicable, and
10 shall, at its own expense, without unnecessary delay, cause
11 the earth and pavements to be placed in proper condition.
12 In case of failure to agree with any railroad company as to
13 the place, manner or condition 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 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 hun-
6 dred and 00-100 (100.00) dollars each.

Sect. 9. Said corporation, to aid in the construction of its
2 works of any and all kinds, is hereby authorized to issue its
3 bonds in such terms and amount and on such time and rates,
4 as it may deem expedient; not exceeding in the aggregate
5 the amount of capital stock authorized and issued; and may
6 secure the sum by mortgage or mortgages on the franchise
7 and property of 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. HARRIS of Auburn, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*