

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 38

STATE OF MAINE.

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

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, Wm. H. Hill, Fred Atwood,
2 C. E. Adams, C. F. Gordon, J. H. Kneeland, their asso-
3 ciates, successors and assigns, are hereby made a corpora-
4 tion by the name of the Searsport Water Company, for
5 the purpose of supplying the town of Searsport, in the
6 county of Waldo, and the inhabitants of said town, with
7 pure water for domestic, sanitary and municipal purposes,
8 including extinguishment 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
4 domestic purposes, ponds, streams, or other water sources
5 in 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
10 persons and property occasioned by the use of such high-
11 ways, ways and streets, and shall further be liable to pay
12 to said town all sums recovered against said towns for
13 damages for obstruction caused by said company, and for
14 all expenses, including reasonable counsel fees incurred in
15 defending such suits, with interest on the same, provided
16 said company shall have notice of such suits and opportu-
17 nity to defend the 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
11 shall, at its own expense, without unnecessary delay, cause
12 the earth and pavements there removed by it to be replaced
13 in proper condition.

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

Sect. 6. Should the said company and the owner of
2 such land so taken be unable to agree upon the damages
3 to be paid for such location, taking, holding and construc-
4 tion, the land owner may, within twelve months after said
5 filing of plans of location, apply to the commissioners of
6 said county of Waldo, and cause such damages to be
7 assessed in the same manner and under the same condi-
8 tions, restrictions and limitations as are by law prescribed
9 in the case of damages by the laying out of highways, so
10 far as such law is consistent with the provisions of this
11 act. If said company shall fail to pay such land owner,

12 or deposit for his use with the clerk of the county com-
13 missioners aforesaid, such sum as 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 forfeit all rights under the same as against such land
19 owner. Said company may make a tender to any land
20 owner damaged under the provisions of this act, and if
21 such land owner recovers more damages than were
22 tendered him by said company, he shall recover costs,
23 otherwise said company shall recover costs. In case said
24 company shall begin to occupy such lands before the ren-
25 dition of final judgment, the land owner may require said
26 company to file its bond to him with said county commis-
27 sioners, in such sum and with such sureties as they
28 approve, conditioned for said payment or deposit. No
29 action shall be brought against said company for such
30 taking, holding and occupation, until after such failure to
31 pay or deposit as aforesaid. Failure to apply for damages
32 within three years by the land owner, shall he held to be
33 a waiver of the same.

Sect. 7. Any person suffering damage by the taking
2 of water by said company as provided by this act, may
3 have his damages assessed 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. And a tender by said company
8 may be made with the same effect as in the preceding
9 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 Searsport or any village 4 corporation therein for the purpose of supplying water as 5 contemplated by this act; and said town of Searsport by 6 its selectmen, or such village corporation by its assessors, 7 is hereby authorized to enter into contract with said com- 8 pany for a supply of water for public uses, on such terms 9 and for such time as the parties may agree, which when 10 made, shall be legal and binding on all parties thereto, and 11 said town of Searsport for this purpose may raise money 12 in the same 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 3 shares of one hundred dollars each.

Sect. 10. Said company for all of its said purposes, 2 may 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 2 construction of its works of any and all kinds upon such 3 rates and time as it may deem expedient, to an amount not 4 exceeding in all the capital stock of said corporation sub- 5 scribed for, and secure the same by mortgage or mortgages 6 of the franchise and property of said company.

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

Sect. 13. Said town of Searsport any time after the
2 expiration of five years from the opening for use and ser-
3 vice of a system of water works constructed by said cor-
4 poration, and after a vote in a legal town meeting to that
5 effect has been passed shall have the right to purchase, and
6 by this act said corporation is required to sell to said town
7 said system of water works including everything apper-
8 taining thereto, and if said town and corporation cannot
9 agree upon the terms, upon such terms and that such price
10 as shall be determined and fixed by the Chief Justice of
11 the Supreme Court of the State of Maine, after due hearing
12 of the parties interested, and from the decision of said
13 Chief Justice there shall be no appeal.

Sect. 14. This act shall become null and void in two
2 years from the day when the same shall take effect, unless
3 said company shall have organized and commenced actual
4 business under this charter.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 5, 1901.

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

KENDALL M. DUNBAR, *Secretary.*