

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 262

STATE OF MAINE.

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

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, A. H. Nichols, L. C. Morse, C. E.
2 Adams, their associates, successors and assigns, are hereby
3 made a corporation by the name of the Searsport Water Com-
4 pany, for the purpose of supplying the town of Searsport, in
5 the county of Waldo, and the inhabitants of said town, with
6 pure water for domestic, sanitary and municipal purposes, in-
7 cluding extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 except such springs as are in actual use for domestic pur-
4 poses, ponds, streams, or other water sources, in said Sears-

5 port, or from Boyd's pond in Stockton Springs, and may lo-
6 cate, construct and maintain cribs, reservoirs, aqueducts,
7 gates, pipes, hydrants and all other necessary structures there-
8 for.

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

Sect. 4. Said company shall have power to cross any water
2 course, private and public sewer, or to change the direction
3 thereof when necessary for the purposes of its incorporation,
4 but in such manner as not to obstruct or impair the use there-
5 of, and it shall be liable for any injury caused thereby.
6 Whenever said company shall lay down any fixture in any
7 highway, way or street, or make any alterations or repairs
8 upon its works in any highway, way or street, it shall cause
9 the same to be done with as little obstruction to public travel
10 as may be practicable, and shall, at its own expense, without
11 unnecessary delay, cause the earth and pavements there re-
12 moved by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters as
2 limited in section two and also any lands necessary for reser-

3 voirs, and other necessary structures, and may locate, lay and
4 maintain aqueducts, pipes, hydrants and other necessary
5 structures or fixtures in, over and through any lands for its
6 said purposes, and excavate in and through such lands for
7 such location, construction and maintenance. It may enter
8 upon such lands to make surveys and location, and shall file
9 in the registry of deeds for said county of Waldo, plans of
10 such location and lands, showing the property taken, and
11 within thirty days thereafter, publish notice of such filing in
12 some newspaper in said county, such publication to be con-
13 tinued three weeks successively. Not more than one rod in
14 width of land shall be occupied by any one line of pipe or
15 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 damages shall be assessed in accordance with the law ap-
5 plicable to the assessment of damages for ways taken by rail-
6 roads, so far as such law is consistent with the provisions
7 of this act. If said company shall fail to pay such land own-
8 er, or deposit for his use with the clerk of the county com-
9 missioners aforesaid, such sum as may be finally awarded as
10 damages, with costs when recovered by him, within ninety
11 days after notice of final judgment shall have been received
12 by the clerk of courts of said county, the said location shall
13 be thereby invalid, and said company forfeit all rights under
14 the same as against such land owner. Said company may
15 make a tender to any land owner damaged under the pro-
16 visions of this act, and if such land owner recovers more dam-
17 ages than were tendered him by said company, he shall re-
18 cover costs, otherwise said company shall recover costs. In
19 case said company shall begin to occupy such lands before
20 the rendition of final judgment, the land owner may require

21 said company to file its bond to him with said county com-
22 missioners, in such sum and with such sureties as they ap-
23 prove, conditioned for said payment or deposit. No action
24 shall be brought against said company for such taking, hold-
25 ing and occupation, until after such failure to pay or deposit
26 as aforesaid. Failure to apply for damages within three
27 years by the land owner, shall be held to be a waiver of the
28 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 man-
5 ner and with the same effect. No action shall be brought for
6 the same until after the expiration of the time of payment.
7 And a tender by said company may be made with the same
8 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 man-
12 ner 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 twenty-five dollars each.

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

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

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

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

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 6, 1903.

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

W. S. COTTON, *Clerk.*