

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 323

STATE OF MAINE.

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

AN ACT to incorporate the Sullivan Harbor Water Company.

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

Section 1. Moses Hawkins, Charles P. Simpson, Stanislaus
2 Wilson, Emery B. Dunbar, Harvey W. Dunbar, Fred W.
3 Bridgham, Spiro V. Bennis and William O. Emery, and such
4 persons as they may associate with themselves in the enter-
5 prise, their successors and assigns, are hereby made a cor-
6 poration under the name of the Sullivan Harbor Water
7 Company, for the purpose of supplying the town of Sullivan,
8 in the county of Hancock, Maine, and the inhabitants of said
9 town, with pure water for domestic, sanitary, municipal and
10 public uses, including the extinguishment of fires.

Sect. 2. Said Sullivan Harbor Water Company may take and
2 hold by purchase or otherwise, real and personal estate neces-
3 sary and convenient for the purposes aforesaid.

Sect. 3. Said Sullivan Harbor Water Company is hereby
2 authorized for the purposes aforesaid to take, collect, store,
3 flow, use, detain, distribute and convey to the town of Sulli-
4 van and any part thereof, water from Long pond, in said
5 Sullivan, and is also authorized to locate, construct and main-
6 tain dams, cribs, reservoirs, locks, gates, sluices, aqueducts,
7 pipes, conduits, standpipes, hydrants and other necessary
8 structures therefor, provided, however, that said Sullivan
9 Harbor Water Company shall not at any time enter said Long
10 Pond and take water therefrom at a lower level than the Long
11 Pond Water Company may be taking water therefrom at that
12 time.

Sect. 4. Said Sullivan Harbor Water Company is hereby
2 authorized to lay, construct and maintain in, under, through,
3 along and across the highways, ways, streets, railroads and
4 bridges in said town, and to take up, replace and repair all
5 such sluices, aqueducts, pipes, hydrants and structures as may
6 be necessary for the purposes of their incorporation, under
7 such reasonable restrictions and conditions as the selectmen
8 of said town may impose. And said Sullivan Harbor Water
9 Company shall be responsible for all damages to all corpor-
10 ations, persons and property occasioned by the said use of
11 such highways, ways and streets, and shall further be liable
12 to pay to said town all sums recovered against said town for
13 damages from obstructions caused by said Sullivan Harbor
14 Water Company, and for all expenses, including reasonable
15 counsel fees incurred in defending such suits, with interest
16 on the same.

Sect. 5. Said Sullivan Harbor Water Company shall have
2 power to cross any water course, public or private sewer, or

3 to change the direction thereof where necessary for the pur-
4 poses of its incorporation, but in such manner as not to
5 obstruct or impair the use thereof; and said company shall be
6 liable for any injury caused thereby. Whenever said Sulli-
7 van Harbor Water Company shall lay down any fixtures in
8 any highway, way or street, or make any alterations or repairs
9 upon its works in any highway, way or street, it shall cause
10 the same to be done with as little obstruction to public travel
11 as may be practicable, and shall at its own expense, without
12 unnecessary delay, cause the earth and pavements then
13 removed by it to be replaced in proper condition.

Sect. 6. Said Sullivan Harbor Water Company shall have
2 power to cross any pipes, sluices or aqueducts of the Long
3 Pond Water Company, when necessary for the purposes of its
4 incorporation, but in such manner as not to injure the same,
5 or to obstruct or impair the use thereof, and for any injury
6 caused thereby the said Sullivan Harbor Water Company
7 shall be liable.

Sect. 7. Said Sullivan Harbor Water Company may take and
2 hold any lands necessary for flowage, and also for its dams,
3 cribs, reservoirs, stand pipes, locks, gates, hydrants and other
4 necessary structures, and may locate, lay and maintain sluices,
5 aqueducts, pipes, conduits, hydrants and other necessary
6 structures or fixtures in, over and through any lands for its
7 said purposes, and excavate in and through such lands for
8 such location, construction and maintenance. It may enter
9 upon such lands to make surveys and locations, and shall file
10 in the registry of deeds, in said county of Hancock, plans
11 of such locations and lands, showing the property taken, and
12 within thirty days thereafter publish notice of such filing in
13 some newspaper in said county, such publication to be con-
14 tinued three weeks successively. Such water, land or other
15 property shall be deemed to have been taken at the date of
16 such filing. Said Sullivan Harbor Water Company, how-

17 ever, may make all needful explorations, surveys and levels
18 on any land prior to such filing.

Sect. 8. Said Sullivan Harbor Water Company shall be
2 held liable to pay all legal damages that shall be sustained
3 by any person by the taking of any land or other property,
4 or by flowage, or by excavating through any land for the
5 purposes of laying down pipes, sluices, aqueducts and con-
6 duits, building dams, cribs, reservoirs, locks, gates, stand
7 pipes, hydrants, and other necessary structures, and also
8 damages for any other injuries resulting from said acts, and
9 when any person sustaining damages as aforesaid and said
10 corporation cannot mutually agree upon the sum to be paid
11 therefor, such person may cause his damages to be ascer-
12 tained in the same manner and under the same conditions,
13 restrictions and limitations as are by law prescribed in the
14 case of damages by laying out of steam railroads, so far as
15 such law is consistent with the provisions of this act. The
16 Long Pond Water Company shall be re-imbursed by way of
17 damages by said Sullivan Harbor Water Company for such
18 proportion of the former's expenditures in improving Long
19 Pond, and in settling with or purchasing the rights of George
20 C. Lyman (or Lynam) or persons claiming under him, as
21 may be determined to be equitable.

Sect. 9. The cost of maintaining hereafter the improvements
2 now made for the benefit of the storage or water supply in
3 said Long pond, of erecting and maintaining other improve-
4 ments for the same purposes shall be equitably shared by said
5 Long Pond Water Company and said Sullivan Harbor Water
6 Company.

In case said two companies cannot agree as to what should
8 be done in the way of construction, improvements or repairs,
9 or how the expense thereof should be shared under this
10 section, these matters may be determined by the chief justice
11 of the supreme judicial court of the State of Maine, for the

12 time being, upon petition of either company and upon hearing
13 thereon after such notice as said chief justice may order.

Sect. 10. Said Sullivan Harbor Water Company is hereby
2 authorized to make contracts with the United States and with
3 corporations and inhabitants of said town of Sullivan for
4 the purposes of supplying water, as contemplated by this act.
5 And said town of Sullivan is hereby authorized by its select-
6 men to enter into contract with said Sullivan Harbor Water
7 Company for a supply of water for any and all purposes
8 mentioned in this act, and for such exemption from public
9 burden as said town and said company may agree, which,
10 when made, shall be legal and binding upon all parties
11 thereto.

Sect. 11. Whoever shall wilfully or maliciously corrupt the
2 water of said pond or stream, or any of the tributaries thereto,
3 whether frozen or not, or in any way render such waters
4 impure, whether frozen or not, or whoever shall wilfully or
5 maliciously injure any of the works of said Sullivan Harbor
6 Water Company, shall be punished by fine not exceeding
7 one thousand dollars, or by imprisonment not exceeding two
8 years, and shall be liable to said company for three times
9 the actual damage, to be recovered in any proper action.

Sect. 12. 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. 13. Said Sullivan Harbor Water Company may issue
2 its bonds for the carrying out of any of its purposes, to an
3 amount not exceeding the sum of fifty thousand dollars, on
4 such rates and time as it may deem expedient, and secure the
5 payment of the principal and interest on such bonds by appro-
6 priate mortgages or deeds of trust of all or any part of its
7 property, franchises, rights and privileges owned or here-
8 after acquired by it.

Sect. 14. The first meeting of said Sullivan Harbor Water
2 Water Company may be called by written notice thereof
3 signed by any two of the incorporators herein named served
4 upon each of the other incorporators by giving him the same
5 in hand, or by leaving the same at his last usual place of
6 abode, or by mailing the same to him at his last known resi-
7 dence or place of business, or by publishing the same in some
8 newspaper in the county of Hancock, State of Maine, at least
9 five days before the time of such meeting.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 12, 1903.

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

W. S. COTTON, *Clerk.*