

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 83

STATE OF MAINE.

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

AN ACT to incorporate the Somesville Water Company.

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

Section 1. George A. Somes, John W. Somes, M. L. Allen,
2 John A. Somes, A. C. Fernald, T. S. Somes, R. L. Grindle,
3 H. R. Hyson and Lyman H. Somes, all of Mount Desert, in
4 the county of Hancock, State of Maine, R. L. Somes of
5 Boston, in the state of Massachusetts, and such persons as
6 they may associate with themselves in the enterprise, and
7 their successors and assigns, are hereby incorporated into
8 a corporation by the name of the Somesville Water Com-

9 pany, for the purpose of supplying the village of Somesville,
10 in the town of Mount Desert and county of Hancock, and
11 the inhabitants of said town, with pure water for industrial,
12 manufacturing, domestic, sanitary and municipal purposes,
13 including extinguishment of fires.

Sect. 2. Said company, for said purposes, may flow,
2 detain, collect, take, store, use and distribute water from
3 Echo Lake, so called, or Somes Pond, so called, or Long
4 Pond, so called, or from any stream or streams, flowing from
5 either of the above named ponds, all being in part in said
6 town of Mount Desert and part in the town of Southwest
7 Harbor, in Hancock county, and may locate, construct and
8 maintain dams, cribs, reservoirs, locks, gates, sluices, aque-
9 ducts, pipes, hydrants, and all other necessary structures
10 therefor.

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 town,
4 and to take up, replace and repair all such sluices, aqueducts,
5 pipes, hydrants and structures as may be necessary for the
6 purposes of their incorporation, under such reasonable
7 restrictions and conditions as the selectmen of said town may
8 impose; and said company shall be responsible for all dam-
9 ages to all corporations, persons and property, occasioned
10 by the use of such highways, ways and streets, and shall
11 further be liable to pay to said town all sums recovered
12 against said town for damages from obstructions caused by

13 said company, and for all expenses, including reasonable
14 counsel fees incurred in defending such suits, with interest
15 on the same.

Said corporation is hereby authorized for the purposes
17 aforesaid to erect a dam or dams at the outlet of said Long
18 Pond, Echo Lake, or Somes Pond or elsewhere, of sufficient
19 height and strength to increase the capacity of said ponds,
20 for the holding of water.

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

Sect. 5. Said company may take and hold any lands nec-
2 essary for flowage, and also for its dams, reservoirs, locks,
3 gates, hydrants and other necessary structures, and may
4 locate, lay and maintain sluices, aqueducts, pipes, hydrants
5 and other necessary structures or fixtures in, over and
6 through any lands, for its said purposes, and excavate in

7 and through such lands for such location, construction and
8 maintenance. It may enter upon such lands to make sur-
9 veys and locations, and shall file in the Registry of Deeds,
10 in said County of Hancock, plans of such location and
11 lands, showing the property taken, and within thirty days
12 thereafter, publish notice of such filing in some newspaper
13 in said county, such publication to be continued three weeks
14 successively. Not more than two rods in width of land
15 shall be occupied by any one line of pipe or aqueduct, and
16 not more than three acres by any one reservoir.

Sect. 6. Should the said company and the owner of such
2 land be unable to agree upon the damages to be paid for such
3 location, occupation and construction, the land owner may,
4 within two years after such filing of plans of location, apply
5 to the commissioners of said county, and have such damages
6 assessed as is provided by law, in cases where land is taken
7 for railroads, so far as the same is consistent with the pro-
8 visions of this charter, and where inconsistent or at variance
9 with this charter, the charter shall control. If the company
10 shall fail to pay such land owner, or deposit for his use with
11 the clerk of the county commissioners, such sum as may be
12 finally awarded as damages, with costs, within ninety days
13 after notice of final judgment shall have been received by
14 the clerk of courts of said county, said location shall be
15 thereby invalid, and the company forfeit all rights under
16 the same. If such land owner secures more damages than
17 were tendered by said company, he shall recover costs,

18 otherwise the company shall recover costs. In case said
19 company shall begin to occupy such lands before the ren-
20 dition of final judgment, the land owner may require said
21 company to file its bond to him with the county commis-
22 sioners in such sum and with such sureties as they approve,
23 conditioned for said payment or deposit.

Failure to apply for damages within said two years, shall
25 be held to be a waiver of the same. No action shall be
26 brought against said company, for such taking and occu-
27 pation of lands, until after such failure to pay or deposit,
28 as aforesaid. Damages for land flowed shall be ascertained
29 and paid in the same manner.

Sect. 7. Any person suffering damage by the taking of
2 water by said company, as provided by this act, may have
3 his damages assessed in the manner provided in the pre-
4 ceding section, and payment therefor shall be made in the
5 same manner and with the same effect. No action shall be
6 brought for the same until after the expiration of the time
7 of payment.

Sect. 8. Whoever shall wilfully and maliciously corrupt
2 the water of said ponds or streams, whether frozen or not,
3 or in any way render such waters impure, whether frozen
4 or not, or whoever shall wilfully injure any of the works
5 of said company, shall be punished by fine not exceeding
6 one thousand dollars, or by imprisonment not exceeding
7 two years, and shall be liable to said company for the actual
8 damage to be recovered in any proper action.

Sect. 9. The capital stock of said corporation shall not
2 be less than five thousand dollars, divided into shares of
3 twenty-five dollars each, which may by vote of said company
4 be increased so as not to exceed fifty thousand dollars.

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 fifty thousand dollars.

Sect. 11. For the purpose of raising funds to be used in
2 the construction of its works and carry out the purposes
3 for which it was created, as provided by this act, said com-
4 pany is hereby authorized to issue its bonds to an amount
5 not exceeding twenty-five thousand dollars, of such date
6 and denomination, and payable at such times as the said
7 company may determine and to secure the said bonds, both
8 principal and interest, by a mortgage upon all its property,
9 both real and personal, and also upon the franchise of the
10 corporation.

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

Sect. 13. The inhabitants of the town of Mount Desert
2 are hereby authorized to purchase the franchises and prop-
3 erty of said corporation at any time at a price mutually
4 agreed upon by the selectmen of said town and the proper
5 officers of said corporation upon a majority vote of the legal

6 voters present and voting at any town meeting called by a
7 warrant containing an article for the purpose.

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

STATE OF MAINE.

IN SENATE, February 12, 1907.

Reported by Mr. PUTNAM from Committee on Judiciary, and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.