

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 284

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## STATE OF MAINE.

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

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AN ACT to incorporate the Vinalhaven Water Company.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Thomas E. Libby, E. F. Russel, F. S. Walls,  
2 T. G. Libby, M. F. Lyford, J. H. Sanborn, C. S. Libby, B.  
3 L. Lane, M. P. Smith, A. S. Littlefield and M. S. Bird, with  
4 such parties as they may vote to associate with them, and  
5 their successors, are incorporated in a body politic by the  
6 name of the Vinalhaven Water Company, for the purpose of  
7 conveying to and supplying the town of Vinalhaven and the  
8 village of Carver's Harbor with pure water for domestic and  
9 municipal purposes, the extinguishment of fires, supplying  
10 of shipping and for manufacturing.

Sect. 2. Said corporation for said purposes may hold all  
2 such real estate and personal property as may be necessary  
3 or convenient therefor.

Sect. 3. Said corporation is hereby authorized, for the  
2 purposes aforesaid, to take, detain and use the waters of any  
3 ponds or streams in said town of Vinalhaven, and is also  
4 authorized to erect and maintain dams, stand pipes and res-  
5 ervoirs, and lay down and maintain pipes and aqueducts  
6 necessary for the proper accumulating, conducting, discharg-  
7 ing, distributing and disposing of water ; and said corporation  
8 may take and hold by purchase or condemnation any lands  
9 or real estate necessary therefor, and may excavate through  
10 any lands necessary for such purposes.

Sect. 4. Said corporation shall be held liable to pay all  
2 damages that shall be sustained by any person by the taking  
3 of any land or other property, or by flowing or by excavat-  
4 ing through the same, the same to be taken and the damages  
5 assessed therefor in the manner provided for taking lands  
6 for steam railroads, so far as the same is applicable.

Sect. 5. The capital stock of said corporation shall be fifty  
2 thousand dollars, which may be from time to time increased  
3 by vote of said corporation not to exceed three hundred thou-  
4 sand dollars, and shall be divided into shares of one hundred  
5 dollars each.

Sect. 6. Said corporation is hereby authorized to lay in  
2 and through the streets and ways in said Town of Vinal-  
3 haven, and to take up, replace and repair all such pipes,

4 aqueducts and fixtures as may be necessary for carrying  
5 out its purposes, the same to be done under such reasonable  
6 restrictions as the selectmen of said town may impose.

Sect. 7. Said corporation is hereby authorized to make  
2 contracts with corporations and inhabitants of said town  
3 and with said town, for the purpose of supplying water as  
4 contemplated in this act; and the municipal officers of said  
5 town are hereby authorized to enter into contracts for a term  
6 of years with said company for the supply of water for mu-  
7 nicipal and fire purposes and for such exemption from pub-  
8 lic burden as they and said company may agree, which when  
9 made shall be legal and binding upon all parties thereto.

Sect. 8. Said corporation may declare dividends on its  
2 capital stock not to exceed six per cent. per annum, and if  
3 the net receipts of said company after the paying of all fixed  
4 charges, expenses and repairs, and depreciation, exceeds said  
5 amount, such surplus shall be applied to reduction of water  
6 rates, or expenses of its pipes and service.

Sect. 9. Said corporation shall have the right to cross any  
2 public or private sewer, or to change the direction thereof  
3 when necessary, but not to impair the use of the same. When-  
4 ever the company shall lay down any pipes in any streets, or  
5 make any alterations or repairs in any highway, it shall cause  
6 the same to be done with as little obstruction to public travel  
7 as may be practicable and without unnecessary delay restore  
8 said highway to its original condition.

Sect. 10. Any person who shall wilfully injure any of the  
2 property of said corporation, or shall corrupt the waters  
3 which are the source of supply furnished by said corpora-  
4 tion, or any tributaries thereof, in any manner whatever, or  
5 render them impure, whether the same be frozen or not;  
6 or shall wilfully destroy or injure any dam, reservoir, pipe,  
7 hydrant or other thing used in transmitting and supplying  
8 water, shall be punished by a fine not exceeding one thou-  
9 sand dollars, or by imprisonment not more than two years,  
10 and shall be liable to said corporation for three times the ac-  
11 tual damage, to be recovered in an action of debt.

Sect. 11. Said corporation may from time to time issue  
2 bonds for the construction of its works, upon such rates and  
3 time as it may deem expedient, and secure the same by mort-  
4 gages on its franchises and property then owned or there-  
5 after by it to be acquired.

Sect. 12. The first meeting of said corporation may be  
2 called by a written notice thereof signed by any of the cor-  
3 porators herein named, served upon each corporator by giv-  
4 ing the same to him in hand, or by mailing to him postage  
5 prepaid, seven days at least before the date of said meet-  
6 ing.

Sect. 13. At any time after five years from the date of the  
2 approval of this act the town of Vinalhaven, or any village  
3 corporation within the limits of said town of Vinalhaven, if  
4 its inhabitants shall so vote, by a two-thirds vote, at a legal  
5 meeting called therefor, shall have the right to purchase the

6 system of water works constructed by said company in said  
7 town for supplying said town and the village of Carver's  
8 Harbor and the inhabitants thereof, together with the fran-  
9 chises of this company relating thereto, at a price to be agreed  
10 upon between said company and said town or village corpo-  
11 ration; and if such price cannot be agreed upon, then at a  
12 price, which shall be determined by a commission of three  
13 competent and disinterested men, one of whom shall be se-  
14 lected by said company, one by said town of Vinalhaven, or  
15 by said village corporation, and the third by the two so se-  
16 lected if they can agree, if not, then by the chief justice of the  
17 supreme judicial court of Maine. The award of said com-  
18 missioners, not less than cost, shall be binding upon said com-  
19 pany and said town, or village corporation, and said town or  
20 village corporation shall pay the amount of said award for  
21 said system of water works and franchises within ninety  
22 days from the date when such award shall be rendered. The  
23 costs of said commission shall be borne equally by the said  
24 company and said town or village corporation.







STATE OF MAINE.

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IN SENATE,

February 25, 1909.

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

F. G. FARRINGTON, *Secretary*.