

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE.

HOUSE

NO. 706

House of Representatives, Mar. 21, 1911.

*Reported by Mr. Peters from Committee on Legal Affairs and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Swans Island Water Company.

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

Sect. 1. Herbert W. Joyce, William Herrick, William B.
2 Lindsey, Frank E. Bridges, and Isaac W. Stinson, their as-
3 sociates, successors, and assigns are hereby made a corpo-
4 ration by the name of the Swans Island Water Company
5 for the purpose of supplying the town of Swans Island in
6 the county of Hancock and the inhabitants of said town
7 with pure water for domestic, sanitary, municipal, and pub-
8 lic purposes including the 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 actually used for domestic pur-
4 poses, ponds, streams, or other water sources in said Swans

5 Island, and may locate, construct, and maintain cribs, reser-
6 voirs, aqueducts, gates, pipes, hydrants, and all other neces-
7 sary structures 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, aque-
5 ducts, pipes, hydrants and structures as may be necessary
6 for the purposes of its incorporation so as not to unreason-
7 ably obstruct the same, under such reasonable restrictions as
8 the selectmen of said town may impose. It shall be respon-
9 sible for all damages to persons and property occasioned by
10 the use of such highways, ways, and streets and shall further
11 be liable to pay to said town all sums recovered against said
12 town for damages for obstructions caused by said company
13 and for all expenses, including reasonable counsel fees in-
14 curred in defending such suits with interest on the same pro-
15 vided said company shall have notice of such suits and op-
16 portunity 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 res-
3ervoirs, and other necessary structures and may locate, lay
4 and maintain aqueducts, pipes, hydrants, and other neces-
5sary structures or fixtures in, over and through any lands
6 for its said purposes, and excavate in and through such
7 lands for such locations, constructions and maintenance. It
8 may enter upon such lands to make surveys and locations,
9 and shall file in the registry of deeds for said county of Han-
10cock, plans of such locations and lands, showing the prop-
11erty taken and within thirty days thereafter, publish notice
12 of such filing in some newspaper in said county, such publi-
13cation to be continued three weeks successively.

Sect. 6. Should said company and the owner of such land
2 so taken be unable to agree upon the damages to be paid for
3 such location, taking, holding and construction, the damages
4 shall be assessed in accordance with the law applicable to
5 the assessment of damages for ways taken by railroads, so
6 far as such law is consistent with the provisions of this act.
7 If said company shall fail to pay such land owner, or deposit
8 for his use with the clerk of the county commissioners, in
9 the said county of Hancock, such sum as may be finally
10 awarded as damages, with costs when recovered by him,

11 within ninety days after notice of final judgment shall have
12 been received by the clerk of courts of said county, the said
13 location shall be hereby invalid, and said company forfeit
14 all rights under the same as against such land owner. Said
15 company may make a tender to any land owner damaged
16 under the provisions of this act, and, if such land owner
17 recovers more damages than were tendered by said company,
18 he shall recover costs; otherwise said company shall recover
19 costs. In case said company shall begin to occupy such
20 lands before the rendition of final judgment, the land owner
21 may require said company to file its bond to him with said
22 county commissioners, in such sum and with such sureties
23 as they approve, conditioned for said payment or deposit.
24 No actions shall be brought against said company for such
25 taking, holding and occupation until after such failure to
26 pay or deposit as aforesaid. Failure to apply for damages
27 within three years by the land owner shall be held to be a
28 waiver of the 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
5 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, and a tender by said company may be made
8 with the same 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 Swans Island or any village cor-
4 poration therein for the purpose of supplying water as con-
5 templated by this act. And the said town of Swans Island
6 by 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 Swans Island 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 ten
2 thousand dollars, and said stock shall be divided into shares
3 of ten dollars each.

Sect. 10. Said company for its said purposes may hold
2 real and personal estate necessary and convenient therefor.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works and for other purposes of its incor-
3 poration of any and all kinds upon such rates and time as it
4 may deem expedient to an amount not exceeding ten thou-
5 sand dollars and secure the same by a mortgage or mort-
6 gages of the franchise and property of said company.

Sect. 12. The first meeting of said Swans Island Water
2 Company may be called by written notice thereof signed by
3 any two of the incorporators herein named, served upon
4 each of the other incorporators by giving him the same in
5 hand or by leaving the same at his last usual place of abode

6 or by mailing the same to him at his last known residence or
7 place of business or by publishing the same in some news-
8 paper in the county of Hancock, State of Maine, at least five
9 days before the time of such meeting.