

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 253

House of Representatives, Feb. 17, 1913.

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

W. R. ROIX, Clerk.

STATE OF MAINE

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

*To the Honorable Senate and House of Representatives of the
State of Maine:*

The undersigned, respectfully represent that public convenience and necessity require that an act be passed to incorporate the Monhegan Water Company, for the purpose of furnishing the inhabitants of Monhegan Plantation with pure water for domestic, sanitary, municipal and public purposes, including the extinguishment of fires, for a part of each year.

Your petitioners submit herewith a bill.

FRANK C. PIERCE,
LINWOOD A. DAVIS,
CHARLES F. JENNEY,
EDWIN C. JENNEY,
ALPHONSO SPEED.

AN ACT to incorporate the Monhegan Water Company.

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

Section 1. Frank C. Pierce, Daniel M. Davis, Linwood
2 A. Davis, Charles F. Jenney and Edwin C. Jenney, their as-
3 sociates, successors and assigns, are hereby made a corpo-
4 ration by the name of the Monhegan Water Company, for
5 the purpose of supplying the Plantation of Monhegan Is-
6 land in the County of Lincoln, and the inhabitants of said
7 plantation with pure water for domestic, sanitary, municipal
8 and public purposes, including the extinguishment of fires,
9 for five months of the year more or less, or from May first
10 to October first, with all the rights and privileges, and sub-
11 ject to all the liabilities and obligations of similar corpora-
12 tions under the laws of the State.

Sect. 2. Said company for said purpose may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 ponds, streams or other water sources in said Monhegan
4 Plantation and may locate, construct and maintain dams,
5 reservoirs, aqueducts, gates, pipes, hydrants and all the other
6 necessary structures therefor.

Sect. 3. Said corporation is hereby authorized for the pur-
2 pose aforesaid, to lay, construct and maintain, under,
3 through, along and across the highways, ways, streets and
4 roads in said Monhegan Plantation, and to take up, replace
5 and repair all such pipes, aqueducts, hydrants and struc-
6 tures as may be necessary for the purpose of its incorpora-

7 tion so as not to unreasonably obstruct the same, and under
8 such reasonable restrictions and conditions as the selectmen
9 of said plantation may impose. It shall be held responsible
10 for all damages to persons or property occasioned by the
11 use of said highways, ways, streets and roads.

Sect. 4. Said corporation shall have the power to cross
2 any water courses, public or private, pipes of all kinds, or to
3 change the location thereof when necessary, for the pur-
4 pose of its incorporation and in such manner as not to im-
5 pair the use thereof. It shall be liable for any injury caused
6 thereby. Whenever said company shall lay down any fix-
7 tures of any kind in any highway, way, street or road, it
8 shall cause the same to be done with as little obstruction to
9 public travel as may be practical, and shall at its own ex-
10 pense, without unnecessary delay, cause the earth to be re-
11 placed 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-
3 ervoirs and other necessary structures, and may locate, lay
4 and maintain aqueducts, pipes, hydrants and other necessary
5 structures or fixtures in, over and through any lands for its
6 said purpose, and excavate in and through such lands for
7 such locations, structures and maintenance. It may enter
8 upon such lands and make surveys and locations, and shall
9 file in the Registry of Deeds for said County of Lincoln,
10 plans of such locations and lands, showing the property
11 taken, and within thirty days thereafter publish notice of

12 such filing in some newspaper in said county, such publica-
13 tion to be continued three weeks successively.

Sect. 6. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any persons for the tak-
3 ing or crossing of any lands or other property or by exca-
4 vating through any lands for the purpose of laying down
5 pipes, aqueducts, building reservoirs, and also damages or
6 any other injuries resulting from said acts. If any person
7 sustains damage as aforesaid, and shall not agree with said
8 corporation upon the sum to be paid therefor, either party,
9 upon petition to the County Commissioners at Lincoln Coun-
10 ty, within twelve months after said plans are filed, may have
11 said damages assessed by them, and subsequent proceedings,
12 and rights of appeal thereon, shall be had in the same man-
13 ner and under the same conditions, restrictions and limita-
14 tions as are by law prescribed in the case of damages by the
15 laying out of highways. Failure to apply for damages with-
16 in said twelve months shall be held to be a waiver of the
17 same.

Sect. 7. Said corporation shall hold real and personal es-
2 tate necessary and convenient for the purpose of its incor-
3 poration.

Sect. 8. The capital stock of said corporation shall be ten
2 thousand (10,000) dollars, divided into shares of ten (10)
3 dollars each.

Sect. 9. 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 terms as
4 it may deem expedient, to an amount not exceeding ten
5 thousand (10,000) dollars, and secure the same by a mort-
6 gage or mortgages of the franchise and property of said
7 company.

Sect. 10. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations and
3 the inhabitants of said Monhegan Plantation, for the pur-
4 pose of supplying water as contemplated by this act. And
5 the said Monhegan Plantation by its selectmen is hereby au-
6 thorized to enter into contract with said company for a sup-
7 ply of water for public use on such terms and for such time
8 as the parties may agree, which when made, shall be legal
9 and binding on all parties thereto, and said Monhegan Plan-
10 tation for this purpose, may raise money in the same man-
11 ner as for other plantation charges.

Sect. 11. Whosoever shall knowingly or maliciously cor-
2 rupt the water supply of said corporation, or in any way ren-
3 der such water impure, or whoever may wilfully or ma-
4 liciously injure any property of said corporation, shall be
5 punished by a fine not exceeding five hundred (500) dollars
6 or by imprisonment not exceeding one year, and shall be
7 liable to said corporation for three times the actual damage
8 to be recovered in any proper action.

Sect. 12. At any time after ten years from the date this
2 act takes effect, the Plantation of Monhegan, if its inhabi-
3 tants shall so vote, by a two-thirds vote, at a legal meeting

4 called therefor, shall have the right to purchase the system
5 of water works constructed by said company in said planta-
6 tion for supplying said plantation and the inhabitants there-
7 of, together with the franchises of this company relating
8 thereto, together with all the property of said company, at
9 a price to be agreed upon between said company and said
10 plantation; and if said price for franchises and property
11 cannot be agreed upon, then at a price which shall be deter-
12 mined by a commission of three competent and disinterested
13 men, one of whom shall be selected by said company, one by
14 said plantation of Monhegan and the third by the two so se-
15 lected, if they can agree; if not, then by the chief justice of
16 the Supreme Judicial Court of Maine.

The award of said commissioners, not less than cost, shall
18 be binding upon said company and said plantation; and said
19 plantation shall pay the amount of said award for said sys-
20 tem of water works, franchises and property within ninety
21 days from the date when such award shall be rendered.
22 The cost of said commission shall be borne equally by said
23 company and said plantation.

Sect. 13. The first meeting of said Monhegan Plantation
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 and 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 Lincoln and State of Maine at
9 least five days before the time of such meeting.

Sect. 14. This act shall become null and void in two years
2 from the time when the same takes effect, unless the corpo-
3 ration shall have been organized and shall have commenced
4 the construction of its works under this charter.