

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 85

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*In Senate, Feb. 11, 1915.*

*Reported by Sen. Garcelon from Committee on Legal Affairs,  
and ordered printed and recommitted to the Committee.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to permit the town of Southport to obtain a supply  
of pure water;

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

Section 1. The town of Southport in the county of Lin-  
2coln by its municipal officers acting for and in behalf of  
3 said town, is authorized and empowered to take water from  
4 Sawyer's pond, so called, or from any surface or under-  
5 ground brooks, springs, wells or streams in said town or  
6 from any other source of supply in said town or in the town  
7 of Boothbay, or to make a contract with any person or cor-  
8poration to supply its inhabitants with water in sufficient  
9 quantities for domestic, municipal, manufacturing and in-  
10dustrial purposes, including sufficient quantities to extinguish

11 fires, supply hotels, boarding houses, business places and  
12 private dwellings, also for sprinkling streets and lawns.

Sect. 2. Said town is hereby authorized to take and hold  
2 as for public use, by purchase or otherwise, any land or  
3 interest therein or water rights necessary for erecting and  
4 maintaining dams, for flowage, for power for pumping its  
5 water supply through its mains, for reservoirs, for pre-  
6 serving the purity of the water shed, for laying and main-  
7 taining aqueducts and other structures, for taking, distribut-  
8 ing, discharging and disposing of water and for rights of  
9 way or road ways to its source of supply, dams, power sta-  
10 tions, reservoirs, aqueducts, structures and lands.

Sect. 3. Said town is hereby authorized to lay in and  
2 through the streets, roads, ways and highways of the said  
3 town of Southport and across private lands therein, and to  
4 maintain, repair and replace all such pipes, aqueducts, con-  
5 duits and fixtures as may be necessary and convenient for  
6 the purposes herein designated. Said pipes or conduits shall  
7 be laid either upon the surface or below the surface of the  
8 streets, ways and private lands as such municipal officers  
9 may determine, but they shall lay them so as to cause as  
10 little obstruction and inconvenience as practicable.

Sect. 4. Said town is hereby authorized to erect and main-  
2 tain all dams, reservoirs and structures necessary and con-  
3 venient for the purposes designated under this act.

Sect. 5. In exercising any right of eminent domain, said  
2 town shall file in the office of the county commissioners of

3 Lincoln county and record in the registry of deeds of said  
4 county, plans of the location of all lands or interests therein,  
5 or water rights, to be taken with an appropriate description  
6 and the names of the owners thereof. When for any reason  
7 the town fails to acquire the property authorized to be taken,  
8 and which is described in such location, or the location re-  
9 corded is defective or uncertain, it may, at any time, cor-  
10 rect and perfect such location and file a new description  
11 thereof, and in such case the town is liable in damages only  
12 for property for which the owner had not previously been  
13 paid to be assessed as of the time of the original taking, and  
14 the town shall not be liable for any acts which would have  
15 been justified if the original taking had been lawful. No  
16 entry shall be made on any private lands, except to make  
17 surveys, until ten days shall have elapsed after the date of  
18 such filing and recording. Possession may be taken by said  
19 town at any time after the expiration of said ten days but  
20 title thereto shall not vest in said town until payment is made.

Sect. 6. If any person sustaining damages by any taking  
2 as aforesaid, shall not agree with said town upon the sum  
3 to be paid therefor, either party may petition to the county  
4 commissioners of the county of Lincoln and may have said  
5 damages assessed by them. The procedure and all subse-  
6 quent proceedings and right of appeal therefrom shall be  
7 under the same restrictions, conditions and limitations as  
8 are or may be by law prescribed in the case of damages by  
9 the laying out of highways.

Sect. 7. Said town of Southport is hereby authorized  
2 and empowered to acquire by purchase all pipes, conduits,  
3 gates, hydrants and fixtures belonging to the town of Booth-  
4 bay Harbor and situated within the town of Southport, to-  
5 gether with all the rights and franchises that said town of  
6 Boothbay Harbor has within the town of Southport. Said  
7 town of Boothbay Harbor is hereby authorized to sell to  
8 said town of Southport any or all of its pipes, hydrants and  
9 fixtures of all kinds that are now within the limits of said  
10 town of Southport.

Sect. 8. The town of Southport by its municipal officers  
2 is hereby authorized and empowered to contract with any  
3 person or corporation to construct aqueducts, pipes, gates,  
4 hydrants or any other structure necessary upon land taken  
5 as herein before prescribed. For the purpose of raising  
6 money to carry out the provisions of this act, the town of  
7 Southport may issue its bonds with interest coupons in be-  
8 half of said town, signed by its municipal officers and town  
9 treasurer, when authorized by vote of said town, to any  
10 amount which, taken with the other indebtedness of the  
11 town, will not exceed the amount limited by the constitu-  
12 tion of the state.

Sect. 9. The amount paid by the town of Southport to  
2 the Squirrel Island Village Corporation under the provisions  
3 of chapter twelve of the private and special laws of nine-  
4 teen hundred and nine and the amount paid to the Capitol  
5 Island Village Corporation under the provisions of chapter

6 eighty-seven of the private and special laws of nineteen  
7 hundred and thirteen shall be exclusive of the amount the  
8 said town of Southport shall raise in any year to pay for  
9 the water system as provided under this act and also ex-  
10 clusive of any amount the town shall raise to pay bonds  
11 issued under the provisions of this act, in addition to the  
12 state and county tax as provided in said chapters referred to.