

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 343

In Senate, March 13, 1915.

*Reported by Sen. Walker from Committee on Legal Affairs
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to Permit the Town of Southport to Obtain a Supply
of Pure Water.

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

Section 1. The town of Southport in the county of Lin-
2 coln 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
7 town of Boothbay, or to make a contract with any person
8 or corporation to supply its inhabitants with water in suf-
9 ficient quantities for domestic, municipal, manufacturing

10 and industrial purposes, including sufficient quantities to
11 extinguish fires, supply hotels, boarding houses, business
12 places and private dwellings, also for sprinkling streets and
13 lawns.

Sect. 2. Said town is hereby authorized to take and hold
2 as for public use, by purchase or otherwise, any land or in-
3 terest 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 preserv-
6 ing the purity of the water shed, for laying and maintaining
7 aqueducts and other structures, for taking, distributing, dis-
8 charging and disposing of water and for rights of way or
9 road ways to its source of supply, dams, power stations,
10 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
7 shall be laid either upon the surface or below the surface
8 of the streets, ways and private lands as such municipal
9 officers may determine, but they shall lay them so as to
10 cause as 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 there-
5 in, or water rights, to be taken with an appropriate descrip-
6 tion and the names of the owners thereof. When for any
7 reason the town fails to acquire the property authorized to
8 be taken, and which is described in such location, or the lo-
9 cation recorded is defective or uncertain, it may, at any
10 time, correct and perfect such location and file a new de-
11 scription thereof, and in such case the town is liable in dam-
12 ages only for property for which the owner had not pre-
13 viously been paid to be assessed as of the time of the origi-
14 nal taking, and the town shall not be liable for any acts
15 which would have been justified if the original taking had
16 been lawful. No entry shall be made on any private lands
17 except to make surveys until ten days shall have elapsed
18 after the date of such filing and recording. Possession may
19 be taken by said town at any time after the expiration of
20 said ten days but title thereto shall not vest in said town
21 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 hereinbefore prescribed. For the purpose of raising money
6 to carry out the provisions of this act, the town of South-
7 port may issue its bonds with interest coupons in behalf of
8 said town, signed by its municipal officers and town treas-
9 urer, when authorized by vote of said town, to any amount
10 which, taken with the other indebtedness of the town, will
11 not exceed the amount limited by the Constitution of the
12 state.

Sect. 9. The amount paid by the town of Southport to
2 the Squirrel Island Village Corporation under the provi-
3 sions of chapter twelve of the private and special laws of
4 nineteen hundred and nine and the amount paid to the Capi-
5 tol Island Village Corporation under the provisions of chap-
6 ter eigthy-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 the
9 water system as provided under this act and also exclusive
10 of any amount the town shall raise to pay bonds issued
11 under the provisions of this act, in addition to the state and
12 county tax as provided in said chapters referred to.