

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 242

S. D. No. 96

In Senate, February 17, 1925.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Phillips of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Grant Certain Powers to the Northeast Harbor
Water Company

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

Section 1. The Northeast Harbor Water Company, a corporation organized and existing under the laws of the state of Maine, is hereby authorized and empowered to take by devise, gift or purchase, and to hold, and also to take as for public purposes by eminent domain, any land or any interest therein in the watershed of Upper Hadlock and Lower Hadlock ponds or either of them on Mount Desert island, Hancock county, Maine, which said corporation deems necessary to protect the waters thereof from pollution and to protect the water shed thereof.

Sect. 2. The land so taken by eminent domain shall be
2 held for the public for the purpose of protecting the purity
3 of the water of said ponds. Said corporation shall not per-
4 mit the same to be used for any purpose that pollutes or
5 menaces the purity of the water of said ponds, and may
6 make and enforce suitable regulations for this purpose.

Sect. 3. No such land shall be taken by eminent domain
2 under the provisions hereof unless such taking shall be ap-
3 proved by the state board of health.

Upon petition by said corporation and a satisfactory guar-
2 antee of payment of the expense thereof the said board is
3 hereby authorized to make or cause to be made such inves-
4 tigation as is necessary for the purpose.

Sect. 4. In proceeding to take such land by eminent do-
2 main said corporation shall file in the town clerk's office
3 of the town where such land is situated a plan thereof and
4 a certificate of approval of the state board of health signed
5 by its chairman or secretary and shall give notice of such
6 filing by publishing the same for three weeks successively
7 in some newspaper published in Hancock county, or by
8 personal service at least fourteen days before. Said land
9 shall be considered taken as of the date of the last said
10 publication, but the corporation shall have no right to take
11 possession of such lands or to enter thereon except for the
12 purpose of making survey until payment is made or secured
13 as provided in the following section.

Sect. 5. If the corporation and the owner of land taken

2 can not mutually agree upon a just compensation therefor,
3 the same shall upon petition by either party be determined
4 by the municipal officers of the town where the land taken
5 is situated, subject to appeal by either party to the supreme
6 judicial court, within the time, in the manner and with all
7 the rights provided by law in the case of an appeal from the
8 assessment of damages on account of the laying out of town
ways.

In case of such appeal the corporation may, and upon peti-
2 tion by the owner of the land taken, shall secure payment
3 of the damages that shall be finally determined by filing in
4 the office of the supreme judicial court for Hancock county,
5 a bond in such amount as may be determined by a justice
6 of said court and with sureties approved by him.