

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

Chapter 246.

An Act to incorporate the Blunt's Pond Water Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. John Shoenbar, Joseph D. Prescott, W. H. Couillard, and such persons as they may associate with themselves in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the Blunt's Pond Water Company, for the purpose of supplying the town of Lamoine, in the county of Hancock, and the inhabitants of said town with pure water for domestic, sanitary and municipal purposes including extinguishment of fires.

Corporators.

—corporate name.

SECT. 2. Said company for said purposes may flow, collect, take, store, use and distribute water from Blunt's Pond in said Lamoine, and streams flowing in and out of the same, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.

May take water from Blunt's pond.

SECT. 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of their incorporation, under such reasonable restrictions and conditions as the selectmen of said town may impose. And said company shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town for damages from obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

May lay pipes along highways.

—responsible for all damages.

SECT. 4. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof when necessary for the purposes of their incorporation, but in such manner as not to obstruct or impair the use thereof, and said company shall be liable for any injury caused thereby, whenever said company shall lay down any fixtures in any highway, or street; or make any alterations or repairs upon its works in any highway, way or street, it

May cross any water course or sewer.

—shall not obstruct travel.

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shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

May take land.

SECT. 5. Said company may take and hold any lands necessary for flowage, and also for its dams, reservoirs, locks, gates, hydrants and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, hydrants and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Hancock, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct, and not more than two acres by any one reservoir.

—shall file plans of location in registry of deeds, Hancock county.

Damages, how ascertained in case of disagreement.

SECT. 6. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Hancock, and cause such damages to be assessed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and said company forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered him by said company, he shall recover costs, otherwise said company shall

recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment on deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Damages caused by flowage are to be ascertained and paid in the same manner. Failure to apply for damages within one year by the land owner, shall be held to be a waiver of the same.

SECT. 7. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment therefor shall be made in the same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

Damages for taking of water, how assessed.

SECT. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Lamoine for the purpose of supplying water as contemplated by this act; and said town of Lamoine is hereby authorized to enter into contract with said company for a supply of water for public uses on such terms as the parties may agree, including exemption from public burdens, which when made shall be legal and binding on all parties thereto, and said town of Lamoine for these purposes may raise money in the same manner as for other town charges.

May make contracts to supply water.

Town of Lamoine, authorized to make contract for water.

SECT. 9. Whoever shall willfully or maliciously in any way corrupt the water of said pond or streams or any of the tributaries thereto, whether frozen or not, or shall willfully or maliciously, in any way, render such waters impure, whether frozen or not, or whoever shall willfully or maliciously injure any of the works of said company, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, and shall be liable to said company for three times the actual damage, to be recovered in any proper action; but nothing herein shall prevent the public from cutting ice in said pond in a reasonable and proper manner.

Penalty, for corrupting water, or injuring works.

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Capital stock.

SECT. 10. The capital stock of said company shall be one hundred thousand dollars, which may be increased to five hundred thousand dollars by a vote of said company, and said stock shall be divided into shares of ten dollars each.

May hold real estate.

SECT. 11. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount five hundred thousand dollars.

May issue bonds, and mortgage property.

SECT. 12. Said company may issue its bonds for the construction of its works of any and all kinds upon such rates and time as it may deem expedient, to the amount not exceeding in all the sum of five hundred thousand dollars and secure the same by mortgage of the franchise and property of said company, but the bonds issued shall not at any time exceed in amount, the capital stock of the company.

First meeting, how called.

SECT. 13. The first meeting of said company may be called by a written notice thereof, signed by any two corporators herein named, served upon each corporator by giving him the same in hand, or by leaving the same at his last usual place of abode, seven days before the time of meeting.

SECT. 14. This act shall take effect when approved.

Approved March 17, 1891.

Chapter 247.

An Act to amend the charter of the Caribou Village Corporation.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sec. 1, ch. 149, Laws of 1887, amended.

SECT. 1. Section one of chapter one hundred and forty-nine of the private and special laws for the year eighteen hundred and eighty-seven is hereby amended, so that the same shall read as follows:

Limits.

SECT. 1. The territory embraced within the limits of school district number two in the town of Caribou together with lots number ten, fifteen and twenty in that part of Caribou township, originally H township, according to the original survey and plan of said township, together with the inhabitants thereon, is hereby created a body politic and corporate by the name of the Caribou Village Corporation.

—corporate name.

Ch. 149, Private Laws of 1887, revived.

SECT. 2. Chapter one hundred and forty-nine of the private and special laws for the year eighteen hundred and eighty-seven, as hereby amended is hereby revived.

* Approved March 19, 1891.