

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

Chapter 344.

An Act to amend Chapter one hundred and seven of the Private and Special Laws of eighteen hundred and eighty-seven, entitled "An Act additional to and amendatory of Chapter five hundred and twenty-two of the Private and Special Laws of eighteen hundred and eighty-five, relating to the Camden and Rockland Water Company."

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

SECT. 1. Section one of said chapter one hundred and seven is hereby amended by inserting after the word "use" in the fourth line the word 'store;' by striking out the word "and" in the fifth line; by inserting after the words "Fish's pond" in the fifth line of said section, the words 'and Grassy pond;' by inserting after the word "Hope" in the said fifth line, the words 'Rocky pond in the town of Rockport;' and after the word "Knox" in the sixth line the following: 'and all of the tributaries of said ponds and all of the streams and ponds leading into or tributary to any stream connecting said Fish's pond and Hobb's pond;' by striking out all after the word "said" in the eighth line and inserting in lieu thereof, the following: 'ponds and tributaries and reservoirs or basins that may be constructed for the purposes aforesaid, by pipes and aqueducts laid directly therefrom to supply Oyster River

Sec. 1, ch. 107,
Special Laws,
amended.

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pond; also to connect the same with any of the mains of the company.' So that said section as amended shall read as follows:

Company
authorized to
take water.

'SECT. 1. The Camden and Rockland Water Company is hereby authorized and empowered for the purposes named and embraced in its act of incorporation, and amendments thereto, to take, detain, use, store and appropriate water from Hobb's pond, Fish's pond and Grassy pond in the town of Hope and Rocky pond in the town of Rockport in the county of Knox, and all of the tributaries of said ponds and all of the streams and ponds leading into or tributary to any stream connecting said Fish's and Hobb's ponds. The authority herein and hereby granted shall also include and give the right to said corporation to withdraw the water from said ponds and tributaries and reservoirs or basins that may be constructed for the purposes aforesaid, by pipes and aqueducts laid directly therefrom to supply Oyster River pond, also to connect the same with any of the mains of the company.'

Sec. 2, amended.

SECT. 2. Section two is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Authorized to
erect dams and
reservoirs.

'SECT. 2. Said corporation is hereby authorized to erect and maintain dams upon any or all of said ponds and tributaries for the purpose of creating and maintaining storage basins or reservoirs of water and to flow the land of any riparian proprietor therefor, to erect and maintain reservoirs and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of said water. And said corporation may take and hold, by purchase or otherwise, any real estate or interests therein necessary therefor, and may excavate through any lands where necessary for its purposes.'

—may take real
estate.

Sec. 3, amended.

SECT. 3. Section three of chapter one hundred and seven is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Liability for
damages.

'SECT. 3. Said corporation shall be held liable to pay all damages that shall be sustained by the owners by the taking of any land, water right or other property, or by flowage, or by excavating through any land for the purpose of laying down any pipes and aqueducts or by building dams, reservoirs or pumping stations. If said corporation shall find it necessary for its purposes and uses to take any land, water

rights or other property, it shall file in the office of the county commissioners of the county of Knox, plans and descriptions of all the land and a description of the water, water rights and all other property taken. If any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person, or said corporation, may proceed by complaint to the supreme judicial court for Knox county, serving the adverse party with a copy of such complaint at least thirty days before the sitting of the court at which such complaint is entered. Tenants in common may be joined in the complaint. The court may determine the amount of damages by a committee of reference, if the parties agree thereto, or by a verdict of its jury; and shall render judgment and issue execution for damages recovered, with costs, except as hereinafter provided. If the amount of damages finally recovered does not exceed the amount offered by said corporation to the complainant, before the commencement of the proceedings, and brought into court at the return term of such complaint, with interest thereon to date of recovery, said corporation shall recover costs against the complainant from the commencement of the proceedings. After such petition is entered in court said corporation may file an offer to be defaulted therein subject to the same provisions of law as to acceptance and costs as apply to actions at law. No suit at law or in equity on account of any of the matters for which a complaint as aforesaid can be maintained, shall be maintained against said corporation unless said corporation shall fail to pay or satisfy a final judgment against it on such complaint. In such case said corporation may be restrained, by the proper proceeding in equity from exercising its franchises as against such complainant.

—Damages, how ascertained in case of disagreement.

Suits in equity shall not be maintained, unless company fails to satisfy any judgment.

SECT. 4. This act shall take effect when approved.

Approved January 19, 1893.