

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

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having given reasonable notice in writing of this said request, and the service for driving the same shall be determined and secured according to the provisions hereinbefore stated.

Section 16. In case of any disagreement as to the rights of owners hereunder the same shall forthwith be determined by referees agreed upon by the parties or after notice and hearing appointed by any judge of the supreme judicial court sitting in term time or vacation in either of the counties of Oxford, Androscoggin or Cumberland.

Referees in cases of disagreement.

Section 17. The annual meeting of this corporation until otherwise provided, shall be held in the town of Rumford, in the county of Oxford, and the manner, place and time of calling annual and special meetings of the company and meeting of the directors may be determined by a vote of the company, at any meeting thereof. The first meeting of the company for the purpose of the acceptance of this act and for the organization of the same may be called at Rumford Falls by any associate named herein, on giving at least seven days notice of the time and place of said meeting.

Annual meeting.

First meeting how called.

Section 18. This act shall take effect when approved.

Approved March 25, 1903.

Chapter 284.

An Act to incorporate the Sullivan Harbor Water Company.

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

Section 1. Moses Hawkins, Charles P. Simpson, Stanislaus Wilson, Emery B. Dunbar, Harvey W. Dunbar, Fred W. Bridg-ham, Spiro V. Bennis and William O. Emery, and such persons as they may associate with themselves in the enterprise, their successors and assigns, are hereby made a corporation under the name of the Sullivan Harbor Water Company, for the purpose of supplying the town of Sullivan, in the county of Hancock, Maine, and the inhabitants of said town, with pure water for domestic, sanitary, municipal and public uses, including the extinguishment of fires.

Corporators.

—corporate name.

Section 2. Said Sullivan Harbor Water Company may take and hold by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid.

May hold real and personal estate.

Section 3. Said Sullivan Harbor Water Company is hereby authorized for the purposes aforesaid to take, collect, store, flow,

May take water from Long pond.

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use, detain, distribute and convey to the town of Sullivan and any part thereof, water from Long pond, in said Sullivan, and is also authorized to locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, stand-pipes, hydrants and other necessary structures therefor, provided, however, that said Sullivan Harbor Water Company shall not at any time enter said Long pond and take water therefrom at a lower level than the Long Pond Water Company may be taking water therefrom at that time.

Section 4. Said Sullivan Harbor Water 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 Sullivan Harbor Water Company shall be responsible for all damages to all corporations, persons and property occasioned by the said 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 obstructions caused by said Sullivan Harbor Water Company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

Section 5. Said Sullivan Harbor Water Company shall have power to cross any water course, public or private sewer, or to change the direction thereof where necessary for the purposes of its 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 Sullivan Harbor Water Company shall lay down any fixtures in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it 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 then removed by it to be replaced in proper condition.

Section 6. Said Sullivan Harbor Water Company shall have power to cross any pipes, sluices or aqueducts of the Long Pond Water Company, when necessary for the purposes of its incorporation, but in such manner as not to injure the same, or to obstruct or impair the use thereof, and for any injury caused thereby the said Sullivan Harbor Water Company shall be liable.

Section 7. Said Sullivan Harbor Water Company may take and hold any lands necessary for flowage, and also for its dams,

May lay
pipes in town
of Sullivan.

—shall be
liable for
damages.

May cross
sewers, etc.

—liable for
damages
thereby.

May cross
pipes of Long
Pond Water
Co.

May take
lands for
flowage, etc.

cribs, reservoirs, stand pipes, locks, gates, hydrants and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, conduits, 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, in said county of Hancock, plans of such locations 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. Such water, land or other property shall be deemed to have been taken at the date of such filing. Said Sullivan Harbor Water Company, however, may make all needful explorations, surveys and levels on any land prior to such filing.

—may enter on lands for surveys.

Section 8. Said Sullivan Harbor Water Company shall be held liable to pay all legal damages that shall be sustained by any person by the taking of any land or other property, or by flowage, or by excavating through any land for the purposes of laying down pipes, sluices, aqueducts and conduits, building dams, cribs, reservoirs, locks, gates, stand pipes, hydrants and other necessary structures, and also damages for any other injuries resulting from said acts, and when any person sustaining damages as aforesaid and said corporation cannot mutually agree upon the sum to be paid therefor, said corporation or such person may cause such damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by laying out of steam railroads, so far as such law is consistent with the provisions of this act. The Long Pond Water Company shall be reimbursed by way of damages by said Sullivan Harbor Water Company for such proportion of the former's expenditures in improving Long pond, and in settling with or purchasing the rights of George C. Lyman (or Lynam) or persons claiming under him, as may be determined to be equitable.

Liability for land taken

—damages, how determined.

Section 9. The cost of maintaining hereafter the improvements now made for the benefit of the storage or water supply in said Long pond, of erecting and maintaining other improvements for the same purposes shall be equitably shared by said Long Pond Water Company and said Sullivan Harbor Water Company.

Costs of maintenance of joint improvements.

In case said two companies cannot agree as to what should be done in the way of construction, improvements or repairs, or how the expense thereof should be shared under this section, these matters may be determined by the chief justice of the

—proceedings in case of disagreement.

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supreme judicial court of the state of Maine, for the time being, upon petition of either company and upon hearing thereon after such notice as said chief justice may order.

May make
contracts for
supplying
water.

Section 10. Said Sullivan Harbor Water Company is hereby authorized to make contracts with the United States and with corporations and inhabitants of said town of Sullivan for the purposes of supplying water, as contemplated by this act. And said town of Sullivan is hereby authorized by its selectmen to enter into contract with said Sullivan Harbor Water Company for a supply of water for any and all purposes mentioned in this act, and for such exemption from public burden as said town and said company may agree, which, when made, shall be legal and binding upon all parties thereto.

Pollution of
water.

Section 11. Whoever shall wilfully or maliciously corrupt the water of said pond or streams, or any of the tributaries thereto, whether frozen or not, or in any way render such waters impure, whether frozen or not, or whoever shall wilfully or maliciously injure any of the works of said Sullivan Harbor Water Company, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to said company for three times the actual damage, to be recovered in any proper action.

-penalty.

Capital stock.

Section 12. The capital stock of said company shall be fifty thousand dollars and said stock shall be divided into shares of twenty-five dollars each.

May issue
bonds.

Section 13. Said Sullivan Harbor Water Company may issue its bonds for the carrying out of any of its purposes, to an amount not exceeding the sum of fifty thousand dollars, on such rates and time as it may deem expedient, and secure the payment of the principal and interest on such bonds by appropriate mortgages or deeds of trust of all or any part of its property, franchises, rights and privileges owned or hereafter acquired by it.

First meeting,
how called.

Section 14. The first meeting of said Sullivan Harbor Water Company may be called by written notice thereof signed by any two of the incorporators herein named served upon each of the other incorporators by giving him the same in hand, or by leaving the same at his last usual place of abode, or by mailing the same to him at his last known residence or place of business, or by publishing the same in some newspaper in the county of Hancock, state of Maine, at least five days before the time of such meeting.

Section 15. This act shall take effect when approved.

Approved March 25, 1903.