

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 100.

An Act to incorporate the Somesville Water Company.

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

Corporators. Section 1. George A. Somes, John W. Somes, M. L. Allen, John A. Somes, A. C. Fernald, T. S. Somes, R. L. Grindle, H. R. Hyson and Lyman H. Somes, all of Mount Desert, in the county of Hancock, state of Maine, R. L. Somes of Boston, in the state of Massachusetts, and such persons as they may associate with themselves in the enterprise, and their successors and assigns, are hereby incorporated into a corporation by the name of the Somesville Water Company, for the purpose of supplying the village of Somesville, in the town of Mount Desert and county of Hancock, and the inhabitants of said town, with pure water for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fires.

corporate name.

May take water, etc.

—may maintain reservoirs, etc.

May lay pipes in streets, etc.

—responsible for all damages.

May erect dams.

Section 2. Said company, for said purposes, may flow, detain, collect, take, store, use and distribute water from Echo lake, so called, or Somes pond, so called, or Long pond, so called, or from any stream or streams, flowing from either of the above named ponds, all being in part in said town of Mount Desert and part in the town of Southwest Harbor, in Hancock county, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants, and all other necessary structures therefor.

Section 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 all corporations, 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 obstructions caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

Said corporation is hereby authorized for the purposes aforesaid to erect a dam or dams at the outlet of said Long pond, Echo lake, or Somes pond or elsewhere, of sufficient height and strength to increase the capacity of said ponds, for the holding of water.

CHAP. 100

Section 4. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof where 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, way or street, or make any alteration 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.

may cross but shall not impair water courses.

--shall not unnecessarily obstruct streets.

Section 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, in 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 three acres by any one reservoir.

May take and hold lands.

--may make surveys and locations.

Section 6. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, occupation and construction, the land owner may, within two years after such filing of plans of location, apply to the commissioners of said county, and have such damages assessed as is provided by law, in cases where land is taken for railroads, so far as the same is consistent with the provisions of this charter, and where inconsistent or at variance with this charter, the charter shall control. If the company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners, such sum as may be finally awarded as damages, with costs, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, said location shall be thereby invalid, and the company forfeit all rights under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs, otherwise the company shall recover costs. In

Damages, how determined.

--failure to pay damages may forfeit right of location.

CHAP. 100

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 the county commissioners in such sum and with such sureties as they approve, conditioned for said payment or deposit.

Waiver of damages.

Failure to apply for damages within said two years, shall be held to be a waiver of the same. No action shall be brought against said company, for such taking and occupation of lands, until after such failure to pay or deposit, as aforesaid. Damages for land flowed shall be ascertained and paid in the same manner.

Damages, how assessed.

Section 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.

Penalty for pollution of water or injury to works of corporation.

Section 8. Whoever shall wilfully and maliciously corrupt the water of said ponds or streams, whether frozen or not, or in any way render such waters impure, whether frozen or not, or whoever shall wilfully injure any of the works of said 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 the actual damage to be recovered in any proper action.

Capital stock.

Section 9. The capital stock of said corporation shall not be less than five thousand dollars, divided into shares of twenty-five dollars each, which may by vote of said company be increased so as not to exceed fifty thousand dollars.

May hold personal and real estate.

Section 10. Said company for all of its purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount fifty thousand dollars.

May issue bonds.

Section 11. For the purpose of raising funds to be used in the construction of its works and carry out the purposes for which it was created, as provided by this act, said company is hereby authorized to issue its bonds to an amount not exceeding twenty-five thousand dollars, of such date and denomination, and payable at such times as the said company may determine and to secure the said bonds, both principal and interest, by a mortgage upon all its property, both real and personal, and also upon the franchise of the corporation.

First meeting, how called.

Section 12. 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 and usual place of abode, seven days before the time of meeting.

Section 13. The inhabitants of the town of Mount Desert are hereby authorized to purchase the franchises and property of said corporation at any time at a price mutually agreed upon by the selectmen of said town and the proper officers of said corporation upon a majority vote of the legal voters present and voting at any town meeting called by a warrant containing an article for the purpose.

CHAP. 101

Inhabitants of Mt. Desert may purchase property of corporation.

Section 14. This act shall take effect when approved.

Approved February 21, 1907.

Chapter 101.

An Act to ratify the action of the committee appointed to build a bridge across York River.

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

Section 1. The vote of the inhabitants of the town of York, passed in town meeting, October thirteen, nineteen hundred and six, appointing a committee of four to act in conjunction with the selectmen of said town in building a bridge across York river as laid out and ordered by the county commissioners of the county of York, and the action of said committee, in behalf of said town, in petitioning the secretary of war and the chief of engineers that the location and plans of said bridge be approved, and that said town be authorized to commence the construction thereof and maintain the same as provided by law, are hereby authorized and ratified.

Action of Inhabitants of town of York ratified.

Section 2. This act shall take effect when approved.

Approved February 21, 1907.