

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

An Act to amend and make valid the organization of the Bodwell Water Power Company, and for other purposes.

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

Bodwell Water Power Company authorized to increase its capital stock.

SECT. 1. The Bodwell Water Power Company is hereby authorized to increase its capital stock not to exceed in the whole the sum of one million dollars, to be divided into shares of one hundred dollars each.

Authorized to cut canals and create water power.

SECT. 2. Said corporation is hereby authorized to cut a canal from some point flowed by the Penobscot river, in the low state of water thereof, north of the location of the Bangor, Oldtown and Milford railroad bridge ; thence southerly, along the easterly part of Marsh island in Oldtown, to the present southerly line of the land now owned by said corporation ; thence to Penobscot river ; also a canal from some point flowed by the Penobscot river, in the low state of water thereof, at or near Johnson's island ; thence southerly, along the east bank of Penobscot river in Milford, to the southerly line of the Cousins property, so called ; thence to Penobscot river ; and by said canals to create a water power to use or sell or lease to other persons or corporations to use for manufacturing purposes ; and for the purposes of constructing said canals, may take, occupy and enclose any of the lands adjoining such canals which may be necessary for building or repairing the same and other necessary purposes, on each side thereof, and may blow up and remove any rocks in said river, and dig any of the land near to said river through which it may be necessary to pass said canals.

May take lands.

Damages, how ascertained.

SECT. 3. Any person who shall be damaged in his property by said corporation in cutting or making said canals through his lands or by flowing the same or in any other way, in carrying into effect the powers hereby granted, unless said corporation shall within thirty days after request in writing, pay or tender to said person reasonable satisfaction therefor, shall have the same remedies as are provided by law in case of damages by railroad corporations, in the fifty-first chapter of the revised statutes.

Authorized to take any highway for purpose of constructing canals.

SECT. 4. Said corporation is hereby authorized and empowered to take and use any way or highway in said Oldtown and Milford for the purpose of constructing and maintaining

said canals; *provided*, that the inhabitants of said towns shall so vote at any legal town meeting.

CHAP. 279

Proviso.

SECT. 5. If there shall be occasion in the prosecution of the powers and purposes aforesaid to make a canal across any public highway or way, or if highways or ways shall hereafter be laid out across said canals, it shall be the duty of said corporation to make sufficient bridges across said canals and to keep them in good repair.

Duty to build bridges when necessary.

SECT. 6. Said corporation is authorized and empowered to take water from Penobscot river sufficient for domestic, sanitary and municipal purposes in said Oldtown and Milford, including a sufficient quantity for extinguishing fires and the supply of hotels, livery stables and laundries within said towns.

Authorized to take water for domestic and other purposes.

SECT. 7. Said corporation is authorized for the purpose aforesaid to take and convey through said towns and to all parts thereof the water of Penobscot river, by an aqueduct or pipe sunk to any depth desirable for the purpose; and may also take and hold by purchase or otherwise any land necessary for laying and maintaining pipes, aqueducts, locks, gates, dams, hydrants and reservoirs for taking, conducting, holding, discharging and distributing water; also to dig up and excavate any highway and fill the same under the direction of the municipal officers of the town wherein such highway may be located.

Authorized to lay pipes.

May take lands by purchase, etc.

SECT. 8. Whoever shall in any way wilfully pollute the water of said river within the limits of the towns of Oldtown or Milford, whether frozen or not, after said corporation shall have commenced taking the same, and whoever shall wilfully injure any of the works of said corporation, shall be punished by imprisonment not over two years, or by fine not exceeding one thousand dollars, and shall be liable for an action for damages.

Penalty for pollution of waters or injury to property of company.

SECT. 9. All damages sustained by any persons in their property by taking any land for pipes, aqueducts, locks or other structures, shall be determined and assessed in the manner provided in section three of this act.

Damages, how assessed.

SECT. 10. Said corporation is authorized and empowered to manufacture in said Oldtown and Milford, steam for heating, sufficient for domestic purposes in said towns, including a sufficient quantity for the supply of hotels, shops, stores,

Authorized to manufacture steam for heating.

CHAP. 279 factories, stables, laundries, public buildings, within said towns, and may purchase and hold real and personal estate necessary for the purposes of carrying out the provisions of this section, and may tax parties such reasonable sums for steam supplied by it as it may deem proper.

May lay pipes in public streets.

SECT. 11. Said corporation is hereby authorized to lay down and through the public streets and highways of said towns, and to take up, replace and repair all such pipes and fixtures as may be necessary for the objects herein set forth, the consent of the municipal officers of said town in which the same are so laid having been first obtained, and under such regulations as they may prescribe, and shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the taking of any land or by excavating through any land for the purpose of laying down and repairing its pipes and fixtures; and if any person or corporation sustaining damages as aforesaid shall not agree with this company in the adjustment thereof, such damages shall be determined and assessed in the manner provided in section three of this act.

Liability for damages.

Authorized to erect a dam at Oldtown falls.

SECT. 12. Said corporation is hereby authorized and empowered to erect and maintain a dam at the Oldtown falls across Penobscot river, between Oldtown and Milford, sufficient to level up said falls to the highest point of Johnson's rock in said falls; *provided*, that a sluice shall be constructed and maintained through said dam and falls at some place between Oldtown and Milford, of sufficient capacity and size to accommodate the running of logs and rafts over said falls by the public; said sluice is to be constructed and maintained to the satisfaction of a committee to be appointed by any justice of the supreme judicial court of this state who shall make report to said court, and said court may accept or reject or modify said report after notice and upon hearing of parties interested, and said court shall, upon petition of any party interested, upon reasonable notice and hearing, at any time, determine what changes shall be made in said sluice or dam and have the right to determine all questions of costs, and power is hereby specially conferred upon said court for this purpose.

Proviso.

Authorized to construct a dam across Stillwater branch.

And said corporation shall also have the right to construct and maintain a dam across the Stillwater branch of Penobscot river, and take and occupy land therefor, damages therefor

to be assessed as provided in section three of this act, between the head of the island, below Pushaw bridge and the southerly end of Orono island, of a sufficient height to hold the reserve of water caused by the leveling up of the falls authorized in this act, and to prevent said reserve or excess from flowing down said Stillwater branch; but said dam shall not be constructed any higher than sufficient to hold said reserve, nor in any manner or degree to interfere with or prevent the natural flow of water down said Stillwater branch of Penobscot river; *provided*, said corporation shall construct and maintain a suitable sluice-way in said dam and on said Stillwater branch for the passage of logs and lumber; *also provided*, that said corporation shall, before constructing said dams, ascertain under the supervision and direction of some competent hydraulic engineer, to be appointed by the supreme judicial court for Penobscot county, the exact amount of water passing down said Stillwater branch from the main Penobscot river at different stages of water during summer drouth, while both Oldtown falls and said Stillwater branch are in their natural flow and condition, and if the dam and sluice so constructed do not accomplish the purpose of this act, then any justice of said court at any time or from time to time, on the application of either party and a hearing of the parties interested, shall regulate the height of said dam and the location and dimensions of said sluice, and his decision shall be final, with power to award and apportion the costs and expenses of said hearing in such manner as he may determine; *and provided further*, that all damages sustained by any person by reason of said dam on said Stillwater branch may be determined by any justice of said court upon petition of the party claiming damages, after notice and hearing of the parties interested, said court having power to apportion and award costs as it may see fit, and power is hereby specially conferred upon said court for this purpose.

SECT. 13. The proceedings in the organization of said corporation are hereby confirmed and made valid. The said corporation shall not draw water through its caual or canals, mills or dams, so that the natural flow of the water of the Penobscot river over Oldtown falls and below or through any sluice erected and maintained uuder this act, shall be interrupted, when said natural flow of said water over said falls

Damages, how assessed.

Dam not to prevent the natural flow of water.

Sluice-way provided for.

Justice of S. J. court to regulate height of dam, etc.

—may determine questions of damages.

Organization made valid.

Natural flow of water in Penobscot river not to be interrupted.

CHAP. 280

Purity of water
not to be inter-
fered with.

may be necessary to float logs, rafts and lumber over said falls, or through said sluice, and below the same, provided, always, that said corporation, its successors and assigns, shall never use its rights and powers for manufacturing purposes or otherwise, which shall tend in any manner to affect the rights and powers of the city of Bangor, to pure water for domestic and sanitary purposes, under chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-six, entitled "An Act to amend An Act, approved February twenty-two, eighteen hundred and seventy-five, for supplying the city of Bangor with water."

Authorized to
issue bonds.

SECT. 14. For the purpose of carrying out the foregoing provisions, or either of them, said corporation is hereby authorized to issue its bonds in such form and on such time and manner as it may determine and secure the same by mortgage of its property and franchise.

SECT. 15. This act shall take effect when approved.

Approved February 28, 1883.

Chapter 280.

An Act to prevent the use of rafts or floats in fishing for smelts in Bagaduce river.

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

Use of rafts or
floats in fishing
for smelts in
Bagaduce river,
prohibited.
Penalty.

The use of rafts or floats in fishing for smelts in Bagaduce river is hereby prohibited under a penalty of not less than five dollars nor more than twenty dollars for each person so using such rafts or floats, said penalty to be collected by complaint before any trial justice, one half to the complainant and one-half to the county.

Approved February 28, 1883.