

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

ACTS AND RESOLVES

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SIXTY-FOURTH LEGISLATURE

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STATE OF MAINE.

1889.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

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SECT. 9. If this company fails to comply with any of the provisions of this act, or if on examination, the commissioner thinks, that if it is in such a condition as to render its further proceedings hazardous to the public or its certificate holders, he shall cause such proceedings to be instituted against the company as are provided in section sixty-seven of chapter forty-nine of the Revised Statutes, so far as the same are applicable, and the funds in the hands of the treasurer of state shall be disposed of in accordance with the provisions of this act, and the provisions of sections fifty-seven to sixty-three of chapter forty-nine of the Revised Statutes.

When commissioner thinks further proceedings hazardous to the public he shall apply for an injunction.

—proceedings.

—funds in hands of treasurer, how disposed of.

SECT. 10. This act shall take effect when approved.

Approved February 19, 1889

Chapter 386.

An Act to incorporate the Winterport Water Company.

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

SECT. 1. A. S. Ware, T. W. Vose, Fred Atwood, A. E. Fernald, H. M. Heath, E. C. Arey, S. H. Morgan, D. H. Smith 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 Winterport Water Company, for the purpose of supplying the village of Winterport, in the county of Waldo, and the inhabitants of said village, with pure water for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporators.

Corporate name.

—purpose.

SECT. 2. Said company, for said purpose, may detain, collect, take, store, use and distribute water from Low's brook, of any other water source or sources.

May take water.

SECT. 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets 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 may impose. And said company shall be responsible for all damage to all corporations, persons

Authorized to lay pipes along highways, under direction of selectmen.

—responsible for all damages.

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and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town and to said village all sums recovered against said town or said village 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.

May cross any public or private sewer.

SECT. 4. Said company shall have power to cross any water course, public or private sewer, or to change the direction thereof when necessary for the purpose of their corporation, 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 fixture 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 thus removed by it, to be replaced in proper condition.

—liability.

Authorized to lay pipes under highways.

SECT. 5. Said company is hereby authorized to lay, construct and maintain its pipes under the highways, ways and streets in said Winterport and to build and maintain all necessary structures therefor.

May take land;

SECT. 6. Said company may take and hold any lands necessary for reservoirs, hydrants, and other necessary structures, and may locate, lay and maintain pipes, hydrants, and other necessary structures or fixtures in, over and through any land for its purposes, and excavate in and through such lands for such locations, 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 Waldo, plans for 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. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct, and not more than one acre by any one reservoir.

—shall file plan of location in registry of deeds.

Damages, how ascertained in case of disagreement.

SECT. 7. 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 Waldo 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 courts of the 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 bonds to him with said county commissioners, in sum and with such sureties as they approve, conditioned for said payment or 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.

SECT. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations and inhabitants of said town of Winterport, or any village corporation in said town, for the purpose of supplying water as contemplated by this act, and said town of Winterport is hereby authorized by its selectmen to enter into contract with said company for a supply of water for any and for 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. Any village corporation in said town through its assessors is also authorized to contract with said company for water for all public purposes.

SECT. 9. Whoever shall wilfully or maliciously corrupt the water of said company, whether frozen or not, or in any way render such water impure, or whoever shall wilfully 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 two years, and shall be liable to

Authorized to make contracts to supply water.

—town may contract for water, and exempt from taxation.

Penalty for corrupting water, or in juring works.

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said company for three times the actual damage, to be recovered in any proper action.

Capital stock.

SECT. 10. The capital stock of said company shall be twenty thousand dollars, which may be increased to fifty thousand dollars, by a vote of said company, and said stock shall be divided into shares of fifty 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 one 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, not exceeding the sum of fifty thousand dollars, and secure the same by mortgage of the franchise and property of said company.

First meeting, how called.

SECT. 13. The first meeting of said company may be called by a written notice thereof, signed by any three 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 February 19, 1889.

Chapter 387.

An Act additional relating to the Recorder of the Bangor Municipal Court.

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

Recorder shall be trial justice.

SECT. 1. The recorder of the Bangor Municipal Court shall always be a trial justice, and duly qualified as such.

Trial justice may preside in absence of judge and recorder

SECT. 2. When the judge and recorder are both necessarily absent, the judge may designate some trial justice in said county, duly qualified, to perform the duties of his office ; or, if the judge shall not designate a trial justice for that purpose, the recorder may do so.

Recorder shall preside in absence of judge.

SECT. 3. When the office of judge shall be vacant, or in case of his absence or inability to perform the duties of his office, the recorder shall finish the business before the court, and during the continuance of such vacancy, absence or disability, he shall have authority to exercise all powers of the