

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

OF THE

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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.

Chapter 480.

An Act to promote and encourage the breeding of Trout in Letter B pond.

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

SECT. 1. The Oxford Club shall have the right to erect and maintain a dam on the outlet to Letter B pond, in the town of Upton, in this state, for the purpose of protecting and cultivating trout in said pond.

Oxford Club, authorized to erect a dam, for protection of trout.

SECT. 2. No person shall take, catch, kill or fish for any fish in said pond between the first days of October and May of each year.

Close time for fish, between Oct. 1 and May 1.

SECT. 3. The penalty for any violation of this act shall be a fine of not less than ten or more than thirty dollars and in addition thereto, a fine of two dollars for each fish taken, to be recovered in an action of debt, one-half to the use of the prosecutor and the balance to the use of the county of Oxford.

Penalty for violation.

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

Approved February 28, 1880.

Chapter 481.

An Act to grant certain powers to, and to make valid certain acts of the Brewer Water Company.

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

SECT. 1. For the purpose of supplying the inhabitants of the town of Brewer, in the county of Penobscot and state of Maine, with water for domestic and municipal purposes, and the extinguishment of fires, the Brewer Water Company, a corporation duly organized under the general laws of the state of Maine, shall have power and is hereby authorized for the purposes aforesaid to take, detain, and use water from the Penobscot river in said Brewer, below or above the Bangor water works dam at Treat's falls, so called, and is also authorized to erect and maintain all necessary structures and pumping stations, to be operated by steam power ; the same to be located either above or below said dam as said company

Brewer Water Co., authorized to take water from Penobscot river.

--to erect pumping stations, etc

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—to take real estate.

—shall file plans of location in registry of deeds

Damages, how assessed, in case of disagreement.

Shall pay city of Bangor, reasonable compensation for improvements made on river.

may determine; and to erect and maintain such buildings, with necessary machinery, and reservoirs, stand pipes, aqueducts, hydrants, and any and all other structures necessary for the purpose of accumulating, conducting, discharging, distributing, and disposing of water and forming proper reservoirs therefor. And said corporation may take and hold by purchase, or may take as for public uses any real estate or easement therein and any water rights necessary for the purposes of this corporation; and may locate, erect, lay and maintain thereon and in connection therewith, pumping works, aqueducts, reservoirs, stand pipes, pipes, and other necessary structures and fixtures in, over and through any lands of any person or corporation, for its said purposes, and may 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 Penobscot county, plans of such locations and lands, showing the property taken; and within thirty days thereafter publish notice of such filing and taking in some newspaper published in said county, such publication to be continued three weeks successively.

SECT. 2. Should the said company and the owner of land taken as above provided, be unable to agree upon the amount of damages to be paid for such location, taking, holding, and construction, the land owner or the corporation may within twelve months after said filing of plans and location, apply to the commissioners of said Penobscot county, by whom such damages shall 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 location of railroads, so far as such law is consistent with the provisions of this act. Should said Brewer Water Company take water above the water works dam, so called, it shall within twelve months after said taking, pay to the said city of Bangor a just and reasonable compensation, in addition to other damages herein specified, for whatever benefit, if any, the Brewer Water Company may derive by reason of the expenditure of the said city of Bangor, in improvements on said river made by it, in order to furnish Bangor with pure water, in a gross sum, or in annual sums, by pro rata estimates or otherwise, as may be agreed upon by said city of Bangor and said Brewer Water Company, or if unable to agree, such an amount as

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may be determined and awarded by a commission consisting of three justices of the supreme judicial court of the state of Maine, to be appointed by the chief justice of said court or a majority of such commission. In case that either of said commissioners refuse to act, or for any reason a vacancy occurs in said commission, the said chief justice is hereby authorized to fill such commission by the appointment of one or more of said justices, and said commission shall proceed to ascertain the amount due said city of Bangor, if anything, upon application by either party, first giving to each party fourteen days' notice in writing of the time and place of hearing. For the purpose of obtaining an adjudication by said justices, the filing by said Brewer Water Company, in the office of the register of deeds of said Penobscot county, of a statement of the quantity of water proposed to be taken, shall be deemed a taking by said company. And said company may elect at any time, within twelve months after said adjudication, whether it will or not take water upon the terms thereof; and if it elects not to take water above said dam, it may abandon the right without being liable to any damages. The Brewer Water Company shall pay the expenses and compensation of said justices; and if they should elect to abandon their right to take water above said dam, after the hearing and award of said commission, said Brewer Water Company shall also pay to said city of Bangor such an amount to indemnify said city of Bangor for the costs sustained by it in said hearing as may be determined and awarded by said commission. If said company shall fail to pay such land owner or city of Bangor, or deposit for their use with the clerk of the county commissioners aforesaid, such sum as may be finally agreed upon or awarded and determined as aforesaid as damages, with costs, when recovered by them, within ninety days after notice of such agreement or of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and said company shall forfeit all rights under the same, as against such land owner and city. Said company may make a tender to any land owner damaged by its exercise of the powers conferred upon said company by the provisions of this act, or to said city; and if such land owner or city recovers more damages than were tendered him by said company, he shall recover costs, otherwise said company shall recover costs.

—commission may be appointed to determine amount of.

—vacancy, how filled.

—what shall be deemed a taking of water, for purpose of adjudication.

—may elect whether or not, it will take water on terms of adjudication.

—shall pay expenses of commission.

—shall pay costs to Bangor, if right to take water is abandoned.

—failure to pay land owner, or city, shall invalidate location.

—may tender damage.

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—if land is occupied before rendition of final judgment, company shall give bond.

In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner or said city may require said company to file its bond to him with said county commissioners in such sum and with such sureties as they may 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 file a bond or deposit as aforesaid.

Authorized to make contracts to supply water.

SECT. 3. Said company is hereby authorized to make contracts with individuals and corporations and with the town of Brewer in its corporate capacity, for the purpose of supplying water as contemplated by this act, and all contracts heretofore entered into by and between said water company and said town of Brewer for the purposes aforesaid, and all acts of said town and of its municipal officers heretofore done or performed, in granting rights and privileges to said company, are hereby confirmed and made valid. And said town of Brewer is hereby authorized and empowered to make further contracts with said company for a further supply of water for any and all purposes that may be for the convenience and protection of the inhabitants of said town.

May lay down pipes, etc., in the highways.

SECT. 4. Said corporation is hereby authorized to lay down, in and through the highways, streets and ways of said town of Brewer, and to take up and replace and repair all such pipes, hydrants and fixtures as may be necessary. And 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 there removed to be replaced in proper condition.

—responsibility for damages.

And said corporation shall be responsible for all damages to persons and property occasioned by its use of said streets and ways, and shall be further liable to pay to said town all sums recovered against said town for damages for obstruction or defects of said streets and ways, caused by said corporation.

Authorized to issue bonds and mortgages.

SECT. 5. Said company is authorized, for the purpose of constructing, extending and completing its works, to issue its bonds, secured by a mortgage of all its property, real and personal, already or hereafter to be acquired, and of all its rights and franchises, to such an amount as may be found necessary. And all votes and acts of said company and of

—acts made valid.

its directors already passed and performed, in relation to the issuance of its bonds, are hereby made valid.

SECT. 6. 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 also be liable to said company for three times the actual damage, to be recovered in any proper action.

Penalty for injuring works.

Approved March 1, 1880.

Chapter 482.

An Act to amend "An Act to incorporate the Penobscot River Dam and Improvement Company."

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

SECT. 1. Section two of said original act is hereby amended by adding, after the word "Greenbush," in the fourth line of said act, the following words: 'also in that part of the east branch of the Penobscot river which is between the junction of the east and west branches of the Penobscot river at Medway, and Grand Lake dam,' so that the whole section as amended, shall read as follows:

Sec. 2 of act, amended.

SECT. 2. Said corporation may build dams, side dams, piers, booms, remove rocks and make any other improvements to facilitate log driving in that part of the main Penobscot river above Greenbush; also in that part of the east branch of the Penobscot river which is between the junction of the east and west branches of the Penobscot river at Medway and Grand Lake dam; and said corporation may take land and material necessary to construct their said works and improvements, and said corporation shall pay the proprietors of the land and material so taken, such sum for damages as said corporation and said proprietors may agree upon; and if said corporation and said proprietors cannot agree, the damages shall be ascertained and determined by the county commissioners for the county of Penobscot, in the same mode and manner, and under the same conditions and limitations, as is now provided by law in case of damage by laying out of public highways.'

May build dams, etc.

—take land and material.

—damages, how determined, in case of disagreement.