

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE

1897

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

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1897

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1897.

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elected as herein provided. Said board shall appoint such engineers, fire police, and other subordinate officers and men as may be prescribed by ordinance of the city of Auburn.

Sect. 6. This act shall take effect when approved.

Approved March 3, 1897.

### Chapter 403.

An Act to enable the Town of Dexter to establish a system of Water Works and Sewerage.

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

Sect. 1. The town of Dexter, in Penobscot county, is hereby authorized to establish a system of water works and sewerage for the purpose of supplying the town and its inhabitants with water for domestic, sanitary and municipal purposes including the extinguishment of fires, and for such sewerage as may be reasonable and proper.

Town authorized to establish water and sewerage works.

Sect. 2. Said town is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads, bridges and private property, and take up, replace and repair all such sluices, aqueducts, pipes, hydrants, ditches and sewers, as may be necessary for the purposes of this act, so as not unreasonably to obstruct, or unreasonably damage private property. It shall be responsible for all damages to persons and property occasioned by the use of said highways, ways, streets, ditches and sewers, and in the case of private property, for interest at the rate of six per cent per annum, from the time of the taking. In case of failure to agree with any railroad company, as to place, manner, and conditions of crossing its railroad with such pipe, the place, manner and conditions of such crossings shall be determined by the railroad commissioners, and all work within the limits of the railroad location shall be done under the supervision, and to the reasonable satisfaction of the officers and agents of the railroad company.

Authorized lay pipes in highways, etc.

—responsible for all damages.

—manner of crossing of any railroad, shall be determined by commissioners.

Sect. 3. Said town shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. Whenever said town shall lay down any fix-

May cross any water course, private or public sewer.

CHAP. 403

—shall not obstruct public travel.

ture in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, ditches or sewers, it shall cause the same to be done with as little obstruction to public travel, or with as little other inconvenience as may be practicable, and shall, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

May take water and land.

Sect. 4. Said town may take and hold any waters, as limited in section two, and also any land necessary for reservoirs and other necessary structures, and may locate, lay and maintain aqueducts, pipes, hydrants, ditches and sewers, and other necessary structures or fixtures in, over and through any land for its said purposes, and excavate in and through such land, 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 for said county of Penobscot, 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 one rod in width of land shall be occupied by any one line of piping or aqueduct.

—shall file plans of location in registry of deeds in Penobscot county.

Damages, how assessed.

Sect. 5. Should the town and the owners of such land so taken 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 and location, apply to the commissioners of said county of Penobscot, 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 the same. If said town shall fail to pay said land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages with costs recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and said town forfeit all rights under the same, as against such land owner. Said town 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 town, he shall recover costs, otherwise said town shall recover costs. Failure to apply

—failure to apply for damages within three years, shall be held to be waiver of same.

for damages within three years, by the land owner, shall be held to be a waiver of the same.

Sect. 6. Any person suffering damages by the taking of water or other property by said town, as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment thereof 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, and a tender by said town may be made with the same effect, as in the preceding section.

Damages to any person, how assessed.

Sect. 7. Said town is hereby authorized to make contracts with the United States and with corporations and with any inhabitant of said town of Dexter, or of any village corporation therein which may hereafter be established, for the purpose of supplying water, and for other purposes as contemplated by this act. And any such village corporation, by its assessors, is hereby authorized to enter into contract with said town, or other parties for a supply of water and for other purposes contemplated by this act, on such terms and for such time as the parties may agree, which when made shall be legal and binding on all parties thereto, and said town or village corporation may raise money in the same manner as for other town or village purposes.

May contract to supply water.

—village corporation may contract for water.

Sect. 8. Said town, 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 hold real estate.

Sect. 9. Said town may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time, in such amount as it may deem expedient, to be called Dexter water works and sewerage bonds, but not to above the amount which singly or in the aggregate with previous debts and liabilities, shall exceed five per cent of the last regular valuation of said town.

Town may issue bonds.

Sect. 10. Any such village corporation that may hereafter be established in Dexter may, at any legal meeting duly called, vote to assume the franchises of said town granted by this act, upon such terms as it may choose. Upon such vote, the town may vote to transfer and assign to such village corporation, all the rights and franchises hereby granted, and it may thereafter exercise and enjoy the same, as fully as if granted to such village corporation direct.

Village corporation may assume franchises of town.

Sect. 11. This act shall take effect when approved.

Approved March 3, 1897.