

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1897

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

CHAP. 475 sistent with the constitution and laws of this state. No amendment of the by-laws shall be made except by a vote of a majority of the board of trustees, at a meeting in the call of which the secretary shall give the full text of the proposed amendment to be made.

Sect. 5. This act shall take effect when approved.

Approved March 20, 1897.

Chapter 475.

An Act to incorporate the Lamoine Beach Water Company.

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

Corpora-
tors.

Sect. 1. Hannibal E. Hamlin, Charles H. Drummey, John A. Peters, Junior, 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 Lamoine Beach Water Company, for the purpose of supplying the town of Lamoine, in the county of Hancock, and the inhabitants of said town with pure water for domestic, sanitary and municipal purposes, including extinguishment of fires.

—corporate
name.

—purposes.

May take,
etc., water
from Blunt's
pond.

—may main-
tain dams.

Sect. 2. Said company for said purposes may flow, detain, collect, take, store, use and distribute water from Blunt's pond in said Lamoine, and streams flowing in and out of the same, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.

May lay
pipes, etc.,
along high-
ways under
direction of
selectmen.

—responsi-
ble for all
damages.

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

CHAP. 475

Sect. 4. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof when 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 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 there removed by it to be replaced in proper condition.

May cross any water course or sewer, etc.

—shall not obstruct public travel.

Sect. 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 for 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 two acres by any one reservoir.

May take land for flowage, etc., lay pipes through any land.

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

Sect. 6. 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 Hancock, 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 county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when 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

Damages, how assessed.

—if damages are not paid within ninety days, location invalid.

CHAP. 475

—costs, how recovered.

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 bond to him with said county commissioners, in such 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. Damages caused by flowage are to be ascertained and paid in the same manner. Failure to apply for damages within one year by the land owner, shall be held to be a waiver of the same.

—damages for flowage.

Damages for taking water.

Sect. 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. And a tender by said company may be made with the same effect as in the preceding section.

May contract to supply water.

Sect. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Lamoine for the purpose of supplying water as contemplated by this act; and said town of Lamoine is hereby authorized to enter into contract with said company for a supply of water for public uses on such terms as the parties may agree, including exemption from public burdens, which when made shall be legal and binding on all parties thereto, and said town of Lamoine for these purposes may raise money in the same manner as for other town charges.

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

Capital stock.

Sect. 9. The capital stock of said company shall be five thousand dollars, which may be increased to one hundred thousand dollars by a vote of said company, and said stock shall be divided into shares of ten dollars each.

May hold real estate not exceeding \$100,000.

Sect. 10. 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.

Sect. 11. 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, to the amount not exceeding in all the sum of one hundred thousand dollars and secure the same by mortgage of the franchise and property of said company, but the bonds issued shall not at any time exceed in amount, the capital stock of the company subscribed for.

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May issue bonds and mortgage property.

Sect. 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 usual place of abode, seven days before the time of meeting.

First meeting, how called.

Sect. 13. This act shall take effect when approved.

Approved March 20, 1897.

Chapter 476.

An Act to authorize the County Commissioners of Cumberland County to negotiate a loan for the payment of land damages incurred by the widening of the highway known as Forest Avenue, in the City of Deering, in said county.

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

Sect. 1. The county of Cumberland is hereby authorized to negotiate a loan not exceeding forty-eight thousand dollars, exclusive of and in addition to loans authorized by chapter two hundred and sixty-five, of the private and special laws of eighteen hundred and ninety-three, chapter five hundred and thirty-eight, of the private and special laws of eighteen hundred and ninety-three, and chapter thirty-nine of the private and special laws of eighteen hundred and ninety-five, necessary for the payment of land damages incurred by the widening of the highway known as Forest avenue, in the city of Deering, in said county.

County authorized to procure loan.

—purposes.

Sect. 2. Said loan shall become payable at such times as the county commissioners may appoint, and shall bear interest at the rate of four per cent per annum, payable semi-annually.

Time when payable, and rate of interest.

Sect. 3. The county treasurer is hereby authorized under the direction of the county commissioners in order to procure said loan, to issue ninety-six bonds of the county of Cumberland with interest coupons attached, of the denomination of five hundred dollars each, dated upon a day appointed by the county

May issue bonds.