

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 352

Chapter 352.

An Act to regulate Fishing in Big Rattlesnake Pond and Panther Pond, and the tributaries to same.

Be it enacted by the People of the State of Maine, as follows:

Ice fishing
in Big
Rattle-
snake and
Panther
ponds, to
regulate.

—unlawful
to fish in
tribu-
taries.

—lawful to
dip smelts.

Penalty
for viola-
tion.

Jurisdic-
tion of
courts.

—fines, how
disposed of.

Section 1. It shall be unlawful to fish for, take, catch or kill any kind of fish at any time on or through the ice in Big Rattlesnake pond or in Panther pond, in the county of Cumberland, except during the months of March and April in each year. It shall be unlawful to fish for, take, catch or kill any kind of fish at any time in any of the tributaries to either of the above named ponds, except it shall be lawful to dip smelts in said tributaries during the month of April of each year.

Section 2. Whoever violates any of the provisions of this act shall be subject to the same penalty as is provided in the general law of the state for the illegal fishing for, and catching of trout and landlocked salmon.

Section 3. In all prosecutions arising under this act, municipal and police courts and trial justices within their respective counties shall have, upon complaint, original and concurrent jurisdiction with the supreme, judicial and superior courts, and all fines, penalties and forfeitures recovered for any violation of this act shall be paid forthwith by the person receiving the same to the state treasurer, to be credited to fines and license fees for the protection of birds and game.

Approved March 29, 1909.

Chapter 353.

An Act to incorporate the Farmington Falls Water Company.

Be it enacted by the People of the State of Maine, as follows:

Corpo-
rators.

—corpo-
rate name.

—pur-
poses.

Section 1. Alonzo P. Carville, John P. Rackliff, Eli S. Oliver, Clyde A. Crowell and Ernest A. Crowell, all of Farmington, with their associates and successors, be and are hereby made a corporation under the name of the Farmington Falls Water Company, for the purpose of supplying the inhabitants of the towns of Farmington, Chesterville and New Sharon, residing within two miles of the bridge across the Sandy river at said Farmington Falls, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Section 2. The place of business of said corporation shall be at Farmington Falls, in Farmington, in the county of Franklin and state of Maine.

Location.

Section 3. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook, well or other waters in the towns of Farmington, Chesterville and New Sharon; and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, wells, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

May take water, etc.

maintain dams and reservoirs.

Section 4. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the said towns of Farmington, Chesterville and New Sharon and to build and maintain all necessary structures therefor, at such places as shall be necessary for the said purposes of said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purpose of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused hereby.

May lay pipes in towns of Farmington, Chesterville and New Sharon.

—may cross, but shall not obstruct any water course, private or public sewers.

Section 5. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads, streams, river and bridges in the said towns, and to take up, replace and repair, all such aqueducts, sluices, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the respective towns may impose; and the said corporation shall be responsible for all damage to the said towns and to all corporations, persons, and property, occasioned by such use of the highway, ways and streets.

May lay pipes along, over and across streets, railroads, etc.

—and take up and replace same.

—under restrictions of selectmen.

—liable for damages.

Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration 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 pavement then removed by it, to be placed in proper condition.

—shall not delay public travel.

Section 6. The said corporation is hereby authorized to take and hold by purchase or otherwise any land necessary for flowage, and also for its drains, reservoirs, gates, hydrants, wells, buildings and other necessary structures, and may locate, erect,

May take and hold lands for flowage, etc.

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lay and maintain aqueducts, hydrants, lines of pipes, and other necessary structures or fixtures in, over and through such land for such location, construction and erection.

—may do any necessary act.

—may enter on lands to make surveys, and shall file plans in registry of deeds.

And in general to do any act necessary, convenient or proper for carrying out any of the said purposes of incorporation.

It may enter upon such land to make surveys and locations, and shall file in the registry of deeds in the county of Franklin, plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices 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 more than one line of pipe or aqueduct.

Damages, how assessed, if parties fail to agree.

Section 7. Should the said corporation and the owner of such land be unable to agree upon the damage to be paid for such location, taking, holding, flowing and construction, the land owner of said corporation may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Franklin, and cause such damages to be assessed in the same manner and under the same conditions as are prescribed by law in the case of damages by the laying out of highways, as far as such law is consistent with the provisions of this act. If said corporation 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 the said corporation shall forfeit all rights under the same as against such land owner. In case the said corporation shall begin to occupy such land before the rendition of final judgment the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve, conditioned for said judgment or deposits. No action shall be brought against the said corporation for such taking, holding and occupation until after such failure to pay or deposit as aforesaid.

Locations invalid and rights forfeited if corporation shall fail to pay.

—land owner may demand bond.

Damages for taking water, how assessed.

Section 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damage assessed in the same 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 expiration of the time of payment and

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

Section 9. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Franklin, the towns of Farmington, Chesterville and New Sharon and with any village corporation in the said towns and with the inhabitants thereof, or any corporation doing business therein or water district, for the supply of water for any and all the purposes contemplated in this act; and the said towns by their proper officers, are hereby authorized to enter into any contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said town, village corporation, water district, shall be legal and binding upon all parties thereto.

May contract for supplying water.

Section 10. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall wilfully or maliciously injure any of the works of the said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Penalty for corrupting water or injuring property.

Section 11. The capital stock of the said corporation shall be five thousand dollars, which may be increased to any sum not exceeding ten thousand dollars, by a majority vote of the stockholders of the said corporation; and the stock shall be divided into shares of fifty dollars each.

Capital stock.

Section 12. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding ten thousand dollars.

May hold real and personal property.

Section 13. The said corporation 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 an amount not exceeding its capital stock subscribed for, and secure the same by mortgage of its franchise and property.

May issue bond and mortgage property.

Section 14. The first meeting of the corporation shall be called by a written notice therefor, signed by any two of the named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Franklin.

First meeting, how called.

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Towns may
take over
water
works of
company,
proceed-
ings.

Section 15. Said towns of Farmington, Chesterville and New Sharon or any water district including one or more of said towns or portions of said towns may at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said towns or any water district including one or more of said towns or portions of said towns, said system of water works including everything appurtenant thereto, and if said towns or said water district and said corporation cannot agree upon the terms and price, then such terms and such price shall be determined and fixed by the chief justice of the supreme court of the state of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Approved March 29, 1909.

Chapter 354.

An Act to make valid the doings of certain municipal and administrative Officers of the city of Eastport.

Be it enacted by the People of the State of Maine, as follows:

Acts and
doings
made valid.

The assessment of taxes in the city of Eastport for the year nineteen hundred and three, and all acts of the assessors in making the assessment for said year, and the doings of the municipal officers in making the appropriations for said year are hereby confirmed and made valid notwithstanding any errors or informalities made therein.

Approved March 29, 1909.

Chapter 355.

An Act to incorporate the Litchfield Electrical Company.

Be it enacted by the People of the State of Maine, as follows:

Corpo-
rators.

Section 1. Oramandal Smith, I. W. Gilbert, J. E. Chase, H. W. Maxwell, J. A. Chase, G. M. Rogers, Chapin Lydsten, George W. Earle, Charles Campbell, A. R. Buckley, A. H. Williams, and A. F. Williams, their associates, successors and assigns are hereby incorporated under the name of the Litchfield Electrical Company, for the purpose of making,

—corpo-
rate name.