

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First
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Sec. 10. Inconsistent acts repealed. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 31, 1923.

Chapter 86.

An Act to Incorporate the North Village Water Company.

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

Sec. 1. Corporators; name; purposes. Warren B. Clark, Morris W. Clark, Edwin F. Pratt, Fred Knowles, Charles B. Clark and Cora A. Clark, with their associates and successors, be and are hereby made a corporation under the name of North Village Water Company, for the purpose of supplying the inhabitants of the village of North New Portland in the town of New Portland, with pure spring water for domestic, sanitary and municipal purposes; 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.

Sec. 2. Territorial limits. Beginning at the intersection of the highways in North New Portland village where the road leading into said village from Concord intersects with the road leading through said village from North Anson to Dead river, thence on the road to Dead river seventy-one rods to a point nearly opposite the residence of Sumner P. Taylor; thence from said intersection on the road to North Anson fifty-six rods to a point nearly opposite the residence of Ezra Gamage; thence from said intersection on the road to Concord two hundred and forty-five rods to a point nearly opposite the road leading from said road to Concord onto Fletcher hill in the town of Embden; also beginning at the intersection of the highways in said village where the road leading into said village from Kingfield intersects with the road leading through said village from North Anson to Dead river; thence on the road to Kingfield one hundred fifteen rods to a point nearly opposite the residence of John Hicks; also beginning at the intersection of the highways in said village where the road leading into said village from East New Portland intersects with the road leading from said village to Kingfield; thence on said road to East New Portland eighty-five rods to a point nearly opposite the residence of Clark J. Luce; including all the territory within the radius of the extreme points herein described.

Sec. 3. Location. The place of business of said corporation shall be at North New Portland village, in the town of New Portland, in the county of Somerset and state of Maine.

Sec. 4. Authorized to take and use water and to construct dams, build-

CHAP. 86

ings, pipes, etc. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring or springs in the town of New Portland or that part of the town of Embden, known as Fletcher Hill and Black Hill in Somerset county, and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, wells, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

Sec. 5. Authorized to construct and maintain pipe lines. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the said town of New Portland and that portion of the town of Embden, known as Fletcher Hill and Black Hill, 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.

Sec. 6. Authorized to lay pipes in streets, across bridges, streams, etc.; may cross railroads; construction work on highways not to obstruct public travel more than necessary. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, streams, rivers and bridges in the said town of New Portland and the aforesaid portion of the town of Embden, and to take up, replace and repair, all such aqueducts, sluices, pipes 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 town may impose; and in case of the crossing of any railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said water company, the public utilities commission shall determine the place, manner and conditions of all such crossings, and all work done within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company, but at the expense of said water company, 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. Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street or make any alteration or repair 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.

Sec. 7. May take and hold land for flowage; also for buildings, reservoirs, etc. 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, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, lines of pipe, and other necessary structures or fixtures, in, over and through such land for such location, construction and erection. 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 Somerset 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.

Sec. 8. Assessment of damages; payments for damages. 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 or said corporation may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Somerset, 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.

Sec. 9. No action for damages to be brought until expiration limit provided in sec. 8. Any person suffering damage by the taking of water by

CHAP. 86

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.

Sec. 10. Authorized to make contracts for supplying water; town and village corporation authorized to contract with water company. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Somerset, the town of New Portland and with any village corporation in the said town 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 town of New Portland, or village corporation in said town, by its proper officers, is 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, or water district may agree upon, and said contract shall be legal and binding upon all parties thereto.

Sec. 11. Authorized to purchase property of North Village Water Co., an existing corporation. The said corporation is hereby authorized to make purchase from the North Village Water Company, a corporation duly organized under the laws of the state of Maine, chapter fifty-six, revised statutes of nineteen hundred and three, and doing business at said North New Portland village, of all its lands, springs, reservoirs, pipe lines, buildings, structures, appurtenances, and including all assets and liabilities of said company; and the said North Village Water Company is hereby authorized to sell all its property, rights and privileges to the said corporation at a price to be fixed and agreed upon by the two interested corporations, subject to the approval of the public utilities commission.

Sec. 12. Capital stock; shares. The capital stock of the said corporation shall be ten thousand dollars; and the stock shall be divided into shares of ten dollars each.

Sec. 13. Authorized to hold property. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor.

Sec. 14. May issue bonds, subject to approval of public utilities commission. The said corporation, subject to the approval of the public utilities commission, 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 to secure the same by mortgage of its franchise and property.

Sec. 15. First meeting, how called. 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 same at his last and usual place of abode, or by mailing same to his last known address, postage prepaid, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Somerset.

Sec. 16. Existing statutes not affected; subject to provisions of R. S., c. 55. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof and additional thereto.

Approved March 31, 1923.

Chapter 87.

An Act for the Better Protection of Clams in the Limits of the Town of Kennebunkport in the County of York.

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

Sec. 1. Taking of clams in Kennebunkport regulated. No clams shall be taken from any flats within the limits of the town of Kennebunkport in the county of York, except with such written permit as the municipal officers of said town may issue, provided, that without such permit, any inhabitant within this state or any person temporarily resident within said town, or the riparian owner of clam flats therein, may take therefrom for the immediate consumption of himself or his family, within the limits of said town, not exceeding one bushel of clams at one tide.

Sec. 2. Penalty for violation of act. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, or by both.

Approved March 31, 1923.