

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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shall have been submitted to the people at said election in such form and after such notice as may be required by the municipal officers of said city.

Approved April 4, 1923.

Chapter 100.

An Act to Incorporate the Ashland Water and Sewer Company.

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

Sec. 1. Corporators; name; purposes. C. Fred Clayton, William L. Waldron, Charles A. Carter and Whitfield B. Hallett, with their associates and successors are hereby made a corporation by the name of Ashland Water and Sewer Company, for the purpose of furnishing the people of Ashland with a supply of pure water for domestic, municipal, mechanical and manufacturing purposes, and to provide the said town with a system of public sewerage and drainage for the comfort, convenience and health of the people of Ashland, with all the rights, privileges and immunities incident to similar corporations.

Sec. 2. Authorized to take and hold real and personal property for purposes of water supply and sewerage system; right of eminent domain conferred. Said corporation, for the purposes of its incorporation and for carrying out all of the powers, rights and privileges incident thereto, is hereby authorized to take and hold as for public uses by purchase, eminent domain or otherwise, any real and personal property, or easement, or interest therein, or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, and taking, distributing, discharging and disposing of water, and for rights of way or road ways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts, structures and lands, or for the purpose of forming basins, reservoirs and outlets, of the erection of building for pumping works and for laying pipes and maintaining the same, and for laying and maintaining conduits for carrying, collecting, discharging and disposing of sewerage matters and waters, and for other objects necessary, convenient and proper for the purpose of this act.

Sec. 3. Authorized to lay and maintain pipes, etc. Said corporation is hereby authorized to lay in and through the streets, roads, ways and highways of said town of Ashland, or in or upon any lands from any source of water supply created for carrying out the purposes of this act, and across private lands therein, and to maintain, repair and replace all

such pipes, aqueducts, conduits and fixtures as may be necessary and convenient for its corporate purposes.

Sec. 4. Construction work in streets to be done without unnecessary obstruction to public travel. Whenever said corporation shall lay any pipes, aqueducts or conduits in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth removed by it to be replaced in proper condition; all of said things to be done under such supervision, control or restriction by the municipal officers as may be by law conferred thereon.

Sec. 5. Authorized to construct and maintain reservoirs, standpipes, pumping stations, etc.; may establish rates; proviso. Said corporation may erect and maintain reservoirs, standpipes, hydrants and all usual fire guards, public and private, may build and maintain pumping stations and buildings, construction and appliances for using water for mechanical and manufacturing purposes, and may establish regulations for the use of water or sewerage rights, and fix and collect the prices and rents to be paid therefor. Provided, however, that in all things done under the provisions of this act, said corporation shall be subject to the rights and powers of the public utilities commission in regard to fixing rates and in all other matters where authority is vested in the public utilities commission to regulate and control the same.

Sec. 6. Procedure in case right of eminent domain is invoked. Said corporation shall take any land or interest or easement therein by the right of eminent domain under this act, which it shall file in the registry of deeds of the southern registry district of Aroostook county, with a certificate containing a description of such land taken or which an easement or interest may be taken and a statement of the purposes for which it is taken, to be recorded by the register, and such land or interest or easement shall be deemed to be taken upon the filing of such certificate.

Sec. 7. May discharge sewerage into Aroostook river; authorized to build and maintain sewer plant. Said corporation, for the purpose of carrying out the provisions of this act in relation to sewerage, may discharge through its conduits any sewerage at such point or points in the Aroostook river as may be most convenient, and may convey through the same sewerage surface water and such other water as may be necessary for the efficient management of proper sewerage facilities, may construct and maintain flush tanks, man holes and the usual appliances, public and private, and build and maintain pumping stations, buildings, constructions and appliances for collecting, holding, discharging and disposing of sewerage matter.

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Sec. 8. Assessments of damages in cases of disagreements. If any person sustaining damages for any taking as aforesaid shall not agree with the said corporation on the sum to be paid therefor, either party, upon petition to the county commissioners of Aroostook county, may have said damages assessed by them. The procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by laying out of highways.

Sec. 9. Board of directors. The affairs of said corporation shall be controlled by a board of directors, consisting of not less than five members, who shall be citizens of the town of Ashland and elected annually by vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may from time to time be required by the by-laws of the corporation.

Sec. 10. Capital stock; shares. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 11. Authorized to issue bonds. Said corporation may issue its bonds for the construction of its work to any amount not exceeding one hundred thousand dollars, and secure the same by mortgage or mortgages of the franchise of said corporation, and of all of its property then-owned and to be acquired. Provided, however, that the issuance of said stock and bonds shall be subject to the approval of the public utilities commission, as provided by law.

Sec. 12. Parties not claiming damages within one year, presumed to have waived claim. Any person, firm or corporation whose land or any interest therein is taken under the provisions of this act shall be held to have waived their right to apply for damages therefor unless application to said corporation for said damages is made within one year from the taking thereof.

Sec. 13. Authorized to contract for furnishing water. Said corporation, through its officers, is authorized to contract with persons and corporations, including said town of Ashland, and the said town of Ashland is authorized to contract with it for furnishing water for domestic, sanitary, manufacturing or municipal purposes, and for the collection, discharge and disposition of sewerage or other waste matter.

Sec. 14. Right to take over property of corporation reserved to town of Ashland; procedure in case of disagreement. Said town of Ashland is hereby granted the right, in the event that at any future time it shall at any annual or special meeting of said town called for the purpose, elect

so to do, to take over the entire property of said corporation, including all franchises, rights, privileges, lands, easements, reservoirs, mains, pipe lines, conduits, and all other property of every name, nature and description, by paying therefor such sum or sums as may be agreed upon by said corporation and the municipal officers of said town, subject to the approval of said town. And in the event that said town and corporation cannot agree, then in that event said town may exercise its rights of taking under the provisions of this section by paying said corporation the original cost to said corporation of all the franchises, rights and property of said corporation, together with any additions or increases made thereto up to the time of taking over said corporate interests by said town of Ashland, together with ten per cent increase thereof, provided said corporation has no deficit or losses charged; and in the event of the existence of any of such losses said town, in addition to the foregoing, shall pay in addition to the aforesaid sums an amount equal to all of said losses, together with ten per cent interest thereon.

Sec. 15. First meeting, how called. The first meeting of said corporation may be called by a written notice thereof signed by any incorporator herein named, and served upon each of the incorporators by giving the same in hand or by leaving the same at his last and usual place of abode seven days before the time of meeting. If all incorporators are present at such meeting of the organization, either personally or by written proxy, said meeting and doings thereof shall be legal, notwithstanding no notice thereof has been given.

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.

Approved April 4, 1923.

Chapter 101.

An Act to Establish a Ferry Across Somes Sound Between Southwest Harbor and Northeast Harbor.

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

Sec. 1. Exclusive right to maintain ferry granted. Clifford M. Robbins, his associates and assigns, are vested with the right to ply a ferryboat or boats across Somes Sound, between Southwest Harbor and Northeast Harbor in the county of Hancock, for the term of ten years, to the exclusion of all other persons, and collect tolls at the rate of fifty cents