

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 6

House of Representatives, Jan. 19, 1911.

Presented by Mr. Dunn of Brewer and on motion by Mr. Strickland of Bangor, laid on table to be printed pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT to authorize the Bangor Railway and Electric Company to take water from Brewer Pond and its tributaries.

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

Section 1. The Bangor Railway and Electric Company, 2 a corporation organized under the general laws of the state 3 of Maine, and having its principal office in Bangor, in the 4 county of Penobscot, is hereby authorized and empowered 5 to take, divert and use the water from Brewer pond, situ- 6 ated in the towns of Bucksport, Orrington and Holden in 7 the counties of Hancock and Penobscot, and from its tribu- 8 taries wherever situated, for the purpose of supplying the 9 inhabitants of the city of Brewer and the towns of Veazie 10 and Orrington with pure water.

Sect. 2. The Bangor Railway and Electric Company for
2 the purposes aforesaid is hereby authorized and empowered
3 to take and hold by purchase or otherwise any land or in-
4 terest therein or water rights necessary for erecting dams
5 for flowage, for power for pumping purposes, for reser-
6 voirs, for preserving the purity of the water and water shed
7 and for laying and maintaining pipes, aqueducts and other
8 structures for taking, distributing, discharging and dispos-
9 ing of water.

Sect. 3. The Bangor Railway and Electric Company is
2 authorized and empowered to increase the storage of said
3 Brewer pond, or any pond tributary to said Brewer pond,
4 and to erect and maintain all proper structures therefor.

Sect. 4. The Bangor Railway and Electric Company is
2 hereby authorized and empowered to lay in and through
3 such streets and highways and across such private lands, and
4 to repair and replace such pipes, aqueducts and fixtures as
5 may be necessary and convenient for supplying said city and
6 towns with water. And whenever said company shall lay
7 pipes or aqueducts in any street or highway it shall cause
8 the same to be done with as little obstruction as possible to
9 public travel and shall, at its own expense, without unneces-
10 sary delay, cause the earth and pavement removed by it to
11 be replaced in proper condition.

Sect. 5. In exercising any right of eminent domain con-
2 ferred upon it by law for the purposes above mentioned, the
3 Bangor Railway and Electric Company shall file in the office

4 of the county commissioners of Penobscot and Hancock
.5 counties, and record in the registry of deeds in said coun-
6 ties, plans of the location of lands or interests therein or
7 water rights to be taken, with an appropriate description and
8 names of the owners thereof, and no entry shall be made
9 on any private lands except to make surveys, until the ex-
10 piration of ten days from such filing and record.

Sect. 6. If any person sustaining damages by any taking
2 as aforesaid, shall not agree with said company upon the
3 sum to be paid therefor, either party upon petition to the
4 county commissioners of the county in which the property
5 taken is situated, may have his damages assessed by them.
6 The procedure and all subsequent proceedings and right of
7 appeal thereon shall be had under the same restrictions, con-
8 ditions and limitations as are by law prescribed, from time
9 to time, in the case of damages by the laying out of high-
10 ways.

Sect. 7. No person, firm, association, club or corporation
2 shall hereafter build in or occupy any structure upon or
3 near the shores of Brewer pond or any pond or stream tribu-
4 tary thereto, for such purposes or in such manner that the
5 sewage or drainage therefrom shall enter the waters of said
6 pond or any pond or stream tributary thereto. No person
7 shall hereafter throw the body of any dead animal or other
8 offensive material into the waters of said Brewer pond or
9 into the waters of any pond or stream tributary thereto, or
10 leave the same upon such ponds, or streams, when frozen;

11 nor shall any sewage, drainage, refuse or polluting matter,
12 of such kind and amount as, either by itself or in connection
13 with other matter, will tend to corrupt or impair the purity
14 of the waters of said ponds and streams, or tend to render
15 them injurious to health, be discharged into said waters or
16 deposited therein or thereon.

Sect. 8. Whoever violates any of the provisions of section
2 seven of this act, shall be punished by a fine not exceeding
3 five hundred dollars or by imprisonment not exceeding one
4 year. The supreme judicial court shall have jurisdiction in
5 equity to enjoin, prevent or restrain any violation of the pro-
6 visions contained in section seven of this act.