

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

---

---

SEVENTY-FIFTH LEGISLATURE

---

---

HOUSE

NO. 272

---

---

*House of Representatives, Feb. 23, 1911.*

*Reported by Mr. Dunn from Committee on Legal Affairs and  
ordered printed under joint rules.*

*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 Com-  
pany 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, a  
2 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, sit-  
6 uated in the towns of Bucksport, Orrington, and Holden  
7 in the counties of Hancock and Penobscot, and from its  
8 tributaries wherever situated, for the purpose of supplying  
9 the inhabitants of the city of Brewer and the towns of  
10 Veazie and Orrington with pure water; provided, however,

11 that at all times sufficient water shall be allowed to flow out  
12 of said Brewer pond, down Segeundedunk stream as far as  
13 the intake pipes now owned and used by the Eastern Man-  
14 ufacturing Company, to always maintain at the mouth of  
15 said pipes a quantity of water adequate for supplying  
16 said pipes the mills now owned by said Eastern Manufac-  
17 turing Company with the same quantity of water which  
18 said mills now use.

Said Bangor Railway and Electric Company and said East-  
20 ern Manufacturing Company are hereby authorized to en-  
21 ter into a contract changing the terms and conditions of  
22 supplying said mills with 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 reservoirs,  
6 for preserving the purity of the water shed and for laying  
7 and maintaining pipes, aqueducts and other structures for  
8 taking, distributing, discharging and disposing 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,

4 and to repair and replace such pipes, aqueducts and fixtures  
5 as may be necessary and convenient for supplying said city  
6 and towns with water. And whenever said company shall  
7 lay 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 to be re-  
11 placed 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 of-  
4 fice 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  
8 and names of the owners thereof, and no entry shall be  
9 made on any private lands except to make surveys, until the  
10 expiration of ten days from such filing and record.

Sect. 6. Said Bangor Railway and Electric Company shall  
2 pay the damages sustained by any person on account of any  
3 taking as aforesaid, or by any owner of a water power on  
4 said Segeundedunk stream on account of taking, diverting  
5 or using water as aforesaid, and if any person sustaining  
6 damages by any taking or diverting as aforesaid, shall not  
7 agree with said company upon the sum to be paid therefor,  
8 either party upon petition to the county commissioners of  
9 the county in which the property taken or damaged is sit-

10 uated may have his damages assessed by them. The pro-  
11 cedure and all subsequent proceedings and right of appeal  
12 thereon shall be had under the same restrictions, conditions  
13 and limitations as are by law prescribed, from time to time  
14 in the case of damages by the laying out of highways.

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 trib-  
4 utary 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 other pond or stream tributary thereto. No  
7 person shall hereafter throw the body of any dead animal or  
8 other offensive material into the waters of said Brewer  
9 pond or into the waters of any pond or stream tributary  
10 thereto, or leave the same upon such ponds, or streams, when  
11 frozen; nor shall any sewage, drainage, refuse or polluting  
12 matter, of such kind and amount as, either by itself or in  
13 connection with other matter, will tend to corrupt or impair  
14 the purity of the waters of said ponds and streams, or tend  
15 to render them injurious to health, be discharged into said  
16 waters or deposited therein or thereon.

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