

MAINE STATE LEGISLATURE

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SECOND NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 550

In Senate, March 19, 1913.

Reported by Senator Bailey from Committee on Legal Affairs, and ordered printed under joint rules.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to authorize the Bangor Railway and Electric Company to take water from Chemo lake 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 place of business in Ban-
4 gor, in the county of Penobscot, is hereby authorized and
5 empowered to take, divert and use the water from Chemo
6 lake, situated in the towns of Bradley, Clifton and Edding-
7 ton, in the county of Penobscot, and from its tributaries

8 wherever situated, for the sole purpose of supplying the
9 inhabitants of the cities of Old Town and Brewer and the
10 towns of Milford, Veazie and Orrington with pure water ;
11 provided, however, that the authority herein granted shall
12 not be exercised until contracts have been entered into be-
13 tween said cities and towns and said Bangor Railway and
14 Electric Company or its successors in which it is stipulated
15 that Chemo lake and its tributaries may be used as a source
16 of water supply for said cities and towns and the inhabi-
17 tants thereof, and such contracts have been ratified by the
18 voters thereof at legal meetings of said cities and towns.

Sect. 2. The Bangor Railway and Electric Company is
2 hereby authorized and empowered to sell or lease all or any
3 part of its property, rights, privileges and franchises owned
4 and enjoyed by it for the purpose of supplying said cities
5 and towns with water ; also, to consolidate with or acquire
6 by lease, purchase or otherwise the property, rights, privi-
7 leges and franchises of the Orono Water Company or any
8 other company authorized and empowered to furnish cities
9 and towns with water. The said Bangor Railway and
10 Electric Company and said Orono Water Company are
11 hereby authorized and empowered to enter into a contract
12 changing the terms and conditions of supplying the town of
13 Orono with water.

Sect. 3. 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 shed and for
7 laying and maintaining pipes, aqueducts and other struct-
8 ures for taking, distributing, discharging and disposing of
9 water.

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

Sect. 5. 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
6 cities and towns with water. And whenever said company
7 shall lay pipes or aqueducts in any street or highway it shall
8 cause the same to be done with as little obstruction as pos-
9 sible to public travel and shall, at its own expense, without
10 unnecessary delay, cause the earth and pavement removed
11 to be replaced in proper condition.

Sect. 6. In exercising any right of eminent domain con-
2 ferred it by law for the purposes above mentioned, the
3 Bangor Railway and Electric Company shall file in the
4 office of the county commissioners of Penobscot county, and
5 record in the registry of deeds in said county, plans of the
6 location of lands or interest therein or water rights to be

7 taken, with an appropriate description and names of the
8 owners thereof, and no entry shall be made on any private
9 lands except to make surveys, until the expiration of ten
10 days from such filing and record.

Sect. 7. 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 Penobscot county, may have said
5 damages assessed by them; the procedure and all subsequent
6 proceedings and right of appeal thereon shall be had under
7 the same restrictions, conditions and limitations as are by
8 law prescribed, from time to time, in the case of damages
9 by the laying out of highways.

Sect. 8. No person, firm association, club or corporation
2 shall hereafter build in or occupy any structure upon or
3 near the shores of Chemo lake or any pond or stream tribu-
4 tary thereto, for such purposes or in such manner that the
5 sewer or drainage therefrom shall enter the waters of said
6 lake 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 water of said Chemo lake or into
9 the waters of any pond or stream tributary thereto, or leave
10 the same upon such lake, 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 lake, ponds and streams, or tend to

15 render them injurious to health, be discharged into said
16 waters or deposited therein or thereon.

Sect. 9. Whoever violates any of the provisions of sec-
2 tion eight 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 eight of this act.