

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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1887.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1887.

CHAP. 31

eight hundred and eighty-six; also the purchase by said company from G. A. Phillips and others of a reservoir dam, privilege and mills in Mount Vernon, in said county, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and eighty-six, are hereby ratified and made valid.

SECT. 2. This act shall take effect when approved.

Approved February 1, 1887.

Chapter 31.

An Act to amend the charter of the Dover and Foxcroft Water Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Organization of
Dover and Fox-
croft Water Co.,
made valid.

SECT. 1. The organization of the Dover and Foxcroft Water Company, under the general law of the state, as recorded in the records of corporations in the office of the secretary of state, volume ten, page fifty-one, is hereby confirmed and made valid.

Authorized to
supply water to
towns of Dover
and Foxcroft.

SECT. 2. Said company is empowered to supply the towns of Dover and Foxcroft, and the inhabitants thereof, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and for said purposes may flow, detain, collect, take, store, use and distribute water from the Piscataquis river, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.

—to erect a dam
across Piscata-
quis river.

SECT. 3. Said company is hereby authorized and empowered to erect and maintain a dam at or near Pratt's Rips on said Piscataquis river of sufficient height to fairly utilize the power at such point; provided, that a suitable sluice shall be constructed and maintained in said dam for the passage of logs and lumber.

Proviso.

—to cut and
maintain canals,
take lands, etc.

SECT. 4. Said company is further authorized to cut and maintain canals from said dam; and for the purposes of constructing said dam and canals, may take, occupy and enclose any lands adjoining the same, which may be necessary for building or repairing the same and other necessary purposes, on each side thereof, and may blow up and remove any rocks

in said river, and dig any of the land near to said river where necessary.

SECT. 5. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in the towns of Dover, Foxcroft and Sangerville, and to take up, replace and repair all such pipes, hydrants and structures as may be necessary for the purposes of its incorporation; to enter upon and excavate any highway, or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands; to take and hold, by purchase or otherwise, any real estate, rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified.

May lay pipes in public streets, etc.

SECT. 6. Said company shall have power to cross any water-course, private or public sewer, or to change the direction thereof, where necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof.

May cross private and public sewers.

SECT. 7. Said company is hereby authorized to lay, construct and maintain its pipes under, in and over the Piscataquis river and to build and maintain all necessary structures therefor.

May lay pipes under Piscataquis river.

SECT. 8. Said company shall file in the registry of deeds, in the county of Piscataquis, plans of the location of all land and water rights taken under the provisions of this act; and no entry shall be made upon any lands, except to make surveys, until the expiration of ten days from said filing; and with such plan, the said company may file a statement of the damages it is willing to pay to any person for any property so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise, such person shall recover costs against the company.

Shall file plans of location in registry of deeds.

SECT. 9. Said corporation shall be held liable to pay all damages that shall be sustained by any persons, by the taking of any lands, water, rights of way, or other property, or by excavating through any land, for the purpose of surveying, locating, laying or building dams, canals, reservoirs, pipes, aqueducts, hydrants, or other structures, by taking and holding any lands necessary for flowage, and for any other

Liability for damages.

CHAP. 31

—how ascer-
tained in case of
disagreement.

injuries resulting from said acts; and if any person sustain-
ing damage as aforesaid, shall not agree with said corporation
upon the sum to be paid therefor, either party, on petition to
the county commissioners of Piscataquis county, within
twelve months after said plans are filed, may have said dam-
age assessed by them, and subsequent proceedings and right
of appeal thereon shall be had in the same manner and under
the same conditions, restrictions and limitations as are by law
prescribed in the case of damages by the laying out of high-
ways. Failure to apply for damages within said twelve
months shall be held to be a waiver of the same.

Liable for dam-
age to streets.

SECT. 10. Said company shall, in all cases be liable to pay
to said towns, all sums recovered against either of them for
damages by reason of any defect in any highway, way or street
therein, occasioned by any fault or neglect of said company,
together with reasonable counsel fees and costs incurred in
defending such suits, with interest on the same; provided,
said company shall have notice of any suit wherein such dam-
ages are claimed, and shall be allowed to defend the same at
its own expense.

Penalty for cor-
rupting waters
or injuring
property of co.

SECT. 11. Whoever shall wilfully or maliciously corrupt
the water of said river, whether frozen or not, after said com-
pany shall commence taking the same, and whoever shall wil-
fully or maliciously injure any of the works of said company,
shall be punished by imprisonment not over two years, or by
fine not exceeding one thousand dollars, and shall be liable to
said company in three times the actual damage to be recovered
in an action on the case.

May make con-
tracts to supply
water.

SECT. 12. Said company is authorized to make contracts
with the county of Piscataquis, and with corporations and in-
habitants of said towns for supplying them with water, and
may establish written regulations for the use of the same. The
towns of Dover and Foxcroft, and the Dover and Foxcroft
Village Fire Company are authorized to contract with the said
water company for a supply of water for fire and other pur-
poses, and for such exemption from public burden as may be
agreed upon, which, when agreed upon, shall be legal and
binding upon the parties thereto. The existing contract be-
tween the said water company and the said Dover and Fox-
croft Village Fire Company of date of November twenty-seven,
in the year of our Lord one thousand eight hundred and eighty-

Existing con-
tracts made
valid.

CHAP. 32

six, is hereby confirmed and made legal and valid. The said water company is authorized to sell or lease any power not used by it on the aforesaid dam.

May lease or sell surplus power.

SECT. 13. The capital stock of said company shall be one hundred thousand dollars divided into shares of one hundred dollars each. Said company may hold real and personal estate necessary and convenient for its purposes, not exceeding in amount one hundred thousand dollars.

Capital stock.

—may hold real estate.

SECT. 14. For the purpose of carrying out the foregoing provisions, or either of them, said company is hereby authorized to issue its bonds in such form and amount and on such terms and rates as it may determine, and secure the same by mortgage of its property and franchise.

May issue bonds and mortgage property.

SECT. 15. This act shall take effect when approved.

Approved February 1, 1887.

Chapter 32.

An Act for the protection of fish in Goose Pond in the town of Swauville.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Fishing for and taking of smelts from Goose Pond in the town of Swanville, is hereby prohibited from the first day of March to the first day of June in each year, under a penalty of two dollars for each smelt taken in violation of this act, to be recovered on complaint before any trial justice in Waldo county.

Close time for smelts in Goose pond, established

Approved February 1, 1887.

Chapter 33.

An Act to incorporate the Penobscot Lake Dam Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. William H. Maling, Josiah W. Bodwell, their associates and assigns, be, and they are hereby created a body politic and corporate by the name of the Penobscot Lake Dam Company, with all the powers, rights and privileges of similar corporations.

Corporators.

Corporate name.