

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

ACTS AND RESOLVES

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SIXTY-FOURTH LEGISLATURE

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1889.

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1889.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

and privileges, and be subject to all the liabilities by law incident to life insurance companies, so far as the same are applicable to, and not inconsistent with, the nature and purposes of this act. The accident insurance business shall be carried on by said corporation, separately from its general life insurance business; and all money and other property received by assessments from its certificate holders, or otherwise, in either of said two classes of insurance, shall be kept separate and distinct from that received in the other class; and no money or other property, accruing from, or belonging to one class, shall be liable, either in law or equity, to be applied to the payment of any claims, benefits or indemnities of the other class.'

—accident and life business, shall be carried on separately.

SECT. 2. Section six of said chapter is hereby amended by striking out the words, "and accident indemnities," and also the word "ten," in the last line of said section six, and inserting in lieu thereof the words, 'twenty-five'; so that said section six as amended, shall read as follows :

Sec. 6 amended.

'SECT. 6. This corporation shall annually, on the thirty-first day of December, deposit with the treasurer of state, as a reserve fund, for the benefit and protection of its certificate-holders, cash or securities, approved by the governor and council, to an amount equal to fifteen per cent of its total receipts on assessments, made to pay death benefits, during the year then ended, until said reserve fund so accumulated, shall amount to twenty-five thousand dollars.'

Reserve fund, shall be deposited with state treasurer.

SECT. 3. This act shall take effect when approved.

Approved February 26, 1889

Chapter 452.

An Act to incorporate the Berwick Water Company.

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

SECT. 1. Horace B. Tibbets, John H. Stillings, Benjamin L. Clark, Casper E. Marshall, Walter H. Downs, Albert Goodwin, William Wheeler and Charles F. Parks, their associates and successors, are hereby made a corporation by the name of the Berwick Water Company, for the purpose of furnishing to the people of Berwick and South Berwick, or

Corporators.

Corporate name.—purposes.

CHAP. 452

either of them, a supply of pure water for domestic, mechanical and manufacturing purposes, and to either or both of said towns, water for the extinguishment of fires and other public uses, and also to the Somersworth and Rollinsford Water Company of the state of New Hampshire, a supply of water for the purposes for which it was created, with all the rights, privileges, immunities, duties and obligations incident to similar corporations.

Capital stock.

SECT. 2. The capital stock of said corporation shall not be less than five thousand dollars and shall not exceed two hundred thousand dollars; it may acquire and hold real and personal estate necessary and convenient for the purposes aforesaid; and it may issue bonds and other obligations, secured by a mortgage of its franchise and other property, to carry out the purposes for which it is created, and may enter into any contract for such purposes with any other water company in Maine, or with said Somersworth and Rollinsford Water Company of New Hampshire, and may lease its rights, franchise and property to such company, or may lease the rights, franchise and property of such company.

—may issue bonds, and mortgage property.

—lease its property.

May take real estate

SECT. 3. Said corporation may take and hold by purchase, or may take as for public uses, any real estate or easement therein, including the water of any ponds, streams, springs or wells necessary for obtaining a sufficient supply of water, for the construction of reservoirs, and laying pipes; and may erect and maintain all necessary dams, reservoirs, standpipes and hydrants; and may lay its pipes through the lands of persons and corporations and having first obtained the permission of the municipal officers of said towns, and under such restrictions and regulations as they may prescribe, along the streets and ways of said towns, and may lay its pipes, under any railroad, water course or private way, and cross any drain or sewer, or pipe for the distribution of gas; provided, that in the matter of crossing gas pipes, it shall at its own expense, and within reasonable time, replace, repair and cover all such gas pipes and mains as may be displaced, injured or disturbed during the construction and repair of its water works; and it may enter upon and dig up any such real estate, railroad, street or way, for the purpose of laying pipes or erecting hydrants, or other fixtures, and maintaining and repairing the same; and it may do any other act or thing necessary, convenient and proper to carry out the purpose of

—erect dams, etc.

—lay pipes by permission of municipal officers.

providing a supply of water, and distributing the same to the inhabitants of said towns for the uses aforesaid.

SECT. 4. Said corporation shall file in the registry of deeds a certificate containing a description of the land purchased or taken, or in which an easement is taken under the provisions of the act, and a statement of the purposes for which it is taken, to be recorded by the register; and such land or easement shall be deemed to be taken upon the filing of such certificate, but this section shall not apply to the service pipes leading from the main pipe for the purpose of distributing the water.

Shall file in registry of deeds, description of land taken.

SECT. 5. Said corporation shall pay all damages sustained by any person or corporation in property, by the taking of any land, right of way, water, water source, water right or easement, or by the erection of any dam, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid, may have the same determined in the manner provided by law for the assessment of damages for lands taken for railroads, upon application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but if no application is made within three years as aforesaid, the party claiming to have suffered damages, shall be deemed to have waived his claim therefor.

Damages, how estimated.

SECT. 6. Said corporation may distribute the water through said towns of Berwick and South Berwick; may regulate the use of said water and fix and collect water rates to be paid for the same; but such rates shall not exceed those in other towns and cities in Maine, of the general size and circumstances of said towns of Berwick and South Berwick, and similarly situated; and after it shall commence receiving pay for water supplied by it, said corporation shall be bound to furnish, at reasonable rate as aforesaid, water to the inhabitants of said towns for said uses within a reasonable distance from the main pipe, and to said towns in their corporate capacity for public uses. And said towns are hereby authorized to contract with said corporation for water for public uses, on such terms as the parties may agree, including the remission of taxes upon the real estate, fixtures and plant of said corporation, and may raise money therefor, in the same manner as for other town charges.

Authorized to provide water, and fix rates.

Towns may contract for water, and exempt from taxation.

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Penalty for
corrupting
water.

SECT. 7. Any person who shall wilfully and maliciously corrupt the waters of any of the sources of supply or reservoirs of said corporation, or render them impure, or who shall leave or throw any offensive matter or materials upon them when frozen over, or who shall wilfully injure any dam, reservoir, conduit, pipe, hydrant, engine, water wheel or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of damages to said corporation, to be recovered in any proper action; and every such person, on conviction of either of said acts aforesaid, shall be punished by fine not exceeding five hundred dollars, and by imprisonment not exceeding one year.

SECT. 8. This act shall take effect when approved.

Approved February 26, 1889.

Chapter 453.

An Act to amend an act entitled, "An Act to incorporate the City of Brewer."

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

Act to incor-
porate the city
of Brewer,
amended.

The Act entitled, "An Act to incorporate the city of Brewer," approved February eight, eighteen hundred and eighty nine, is hereby amended by striking out all after the enacting clause in said act, and inserting the following :

Corporate
name.

SECT. 1. The inhabitants of the town of Brewer, in the county of Penobscot, shall continue to be a body politic and corporate, by the name of the city of Brewer, and as such, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants or selectmen thereof; and may ordain and publish such acts, ordinances, laws and regulations not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and impose fines and penalties for the breach thereof, not exceeding twenty dollars for any one offense, which may be recovered to the use of said city, by action of debt.

Rights, powers,
and privileges.

—may ordain
laws and regu-
lations.