

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

CHAP. 365 all and singular the other rights, powers and privileges which it now lawfully possesses.

Sect. 4. This act shall take effect when approved.

Approved February 19, 1897.

Chapter 365.

An Act to extend the charter of the Lisbon Water Company for an additional two years.

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

Charter
extended
two years.

Sect. 1. The time limited in charter of the Lisbon Water Company for the organization of said corporation and the commencement of business thereunder, is hereby further extended for a term of two years from the approval of this act.

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

Approved February 19, 1897.

Chapter 366.

An Act to incorporate the Livermore Falls Water Company.

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

Corpora-
tors.

—corporate
name.

—purpose.

Location.

Authorized
to take
water.

Sect. 1. J. H. Maxwell, W. A. Stuart, J. L. Cummings, D. J. Bogan and A. C. Fuller of East Livermore, with their associates and successors, are hereby made a corporation by the name of the Livermore Falls Water Company, for the purpose of supplying the inhabitants of Livermore Falls village, Chisholm's mills and Jay bridge with suitable water for domestic, sanitary and municipal purposes, including extinguishment of fires, with all the privileges, and subject to all the liabilities and obligations of similar corporations under the general law of this state.

Sect. 2. The place of business of said corporation shall be at the village of Livermore Falls, in the town of East Livermore, in the county of Androscoggin; and its business shall be confined to the towns of East Livermore, Livermore and Jay.

Sect. 3. For any of the purposes aforesaid, or for the preservation and purity of said water, said corporation is hereby authorized to take and use water from the Androscoggin river

for fire purposes only, or from any spring, brook or pond in either of the towns of East Livermore, Livermore or Jay; to conduct and distribute the same into and through the said towns of East Livermore, Livermore and Jay; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes, or aqueducts, under, in or over the Androscoggin river, so called, or under or over any water course, bridge, street, railroad, highway, or other way; and said corporation is further authorized to enter upon, and excavate any highway, or other way, in such manner as least will obstruct the same; to enter, pass over and excavate any lands, and to take and to hold by purchase, or otherwise any real estate, rights of way, or of water; and in general to do all acts necessary, convenient or proper for carrying out any of the purposes herein before specified; and said corporation is further authorized, for the purpose of making all needed repairs, or extensions, or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same, or dig therein; and said corporation may make written regulations for the use of said water, and change the same from time to time.

—erect
dams.

—lay pipes
in or over
Andros-
coggin
river, or
any water
course or
highway,
etc.

—may lay
pipes
through
public or
private
lands.

Sect. 4. Said corporation shall be liable to pay all damages that shall be sustained by any person or corporation, by the taking of any land, water or other property, or by excavating through any land for the purpose of laying down pipes, and aqueducts, or building any reservoirs, stand pipes, or other structures, herein authorized to be built. If any person sustaining damages as aforesaid, and said corporation, cannot mutually agree upon the sum to be paid therefor, either party, on petition to the county commissioners of the county in which the land lies, filed within one year after the filing in the registry of deeds of the plans required by chapter two hundred and eighty-four, of the laws of eighteen hundred and eighty-nine, entitled, "An Act to prescribe the manner of taking of land and other property by water companies," may have said damages assessed by said county commissioners, and subsequent proceedings and rights 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 laying out of highways, so far as such law is consistent with the provisions of this act. No action shall be brought against the said corporation for such taking, holding or occupying, until the

Liability
for dam-
ages.

—how
assessed in
case of dis-
agreement.

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—failure to file petition, shall be held to be a waiver of damage.

May lay pipes across any railroad..

—terms in case of disagreement, how determined.

—company liable for all damages.

—company shall have notice of suits.

Shall file in registry of deeds, plans of location.

—may file statement of damages it is willing to pay.

May hold real and personal es-

expiration of thirty days after final judgment upon such petition. Failure to file such petition by any person claiming to sustain such damages within one year, shall be held to be a waiver of them.

Sect. 5. Said Livermore Falls Water Company may also lay, and maintain its mains and pipes under or across any railroad, if agreement with the railroad company can be had, or if such agreement cannot be had, at such place and upon such terms and conditions as may be determined by the railroad commissioners, and all work within the limits of the railroad location shall be done under the supervision and to the satisfaction of the railroad company, but at the expense of said water company. Said water company shall be liable, in all cases to repay to any railroad company or town, all sums of money that such railroad company or town shall be obliged to pay on any judgment recovered against it, for damages occasioned by any obstruction, taking up, or displacement of its railroad, by said Livermore Falls Water Company in the case of a railroad company, or in the case of a town by reason of any defect in any highways or street therein, occasioned by any fault, or neglect of said water company, together with reasonable counsel fees and expenses, necessarily incurred in defending such railroad or town in all actions therefor; provided, however, that said Livermore Falls Water Company shall have notice of the commencement of any and all suits for such damage, and that said water company shall have the right to defend any such action at its own expense.

Sect. 6. Said Livermore Falls Water Company shall file in the registry of deeds in the county where the lands and water rights taken are situated, plans and descriptions of the location of all lands and water rights taken under the provisions of this act, and no entry shall be made upon any land, except to make surveys, until the expiration of twenty days from such filing, and with such plan, the corporation may file a statement of the damages it is willing to pay to any person or corporation, for any property so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against said person or corporation; otherwise such person or corporation shall recover such costs against said company.

Sect. 7. Said corporation may take and hold by lease or by purchase, real or personal estate necessary and convenient

for the purpose aforesaid, not exceeding one hundred thousand dollars in value.

Sect. 8. The capital stock of said corporation shall be one hundred thousand dollars, which may be increased to two hundred thousand dollars, by a majority vote of said corporation, and said stock shall be divided into shares of par value of one hundred dollars each.

Sect. 9. Said corporation is hereby authorized to make contracts with said towns of East Livermore, Livermore and Jay, or with any village corporation which may hereafter exist in said towns of East Livermore, Livermore and Jay, and with other corporations and individuals for the purpose of supplying water, as contemplated by this act; and said towns of East Livermore, Livermore and Jay, by their selectmen, and said village corporation or corporations, by its assessors, are hereby authorized to enter into contract with said water company for the supply of water, and for such exemption from public burdens as said towns and such village corporation or corporations and said company may agree upon, which, when made, shall be legal and binding upon all parties thereto.

Sect. 10. Said corporation may issue its bonds for the construction of its works upon such rates and times, as it may deem expedient, to an amount not exceeding the amount of its capital stock subscribed for; and secure the same by mortgage of the franchises and property of said company.

Sect. 11. The first meeting of said corporation shall be called by written notice thereof, signed by any two corporators herein named, served upon each corporator, by giving him the same in hand, or by leaving same at his last usual place of abode, seven days before the time of said meeting.

Sect. 12. The Livermore Falls Water Company agrees to furnish the town of East Livermore ten hydrants for five years free of all expense.

Sect. 13. The Livermore Falls Water Company hereby agrees to sell its plant and franchise to the said town of East Livermore for a reasonable compensation therefor at any time within twenty years. If the said Livermore Falls Water Company and the selectmen of said town of East Livermore cannot agree upon the sum to be paid for said plant and franchise, then either party may petition to any justice of the supreme judicial court who shall appoint three disinterested men who

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tate not exceeding \$100,000. Capital stock.

May make contracts to supply water.

—towns may contract for water and exempt from taxation.

May issue bonds and mortgage property.

First meeting, how called.

Shall furnish 10 hydrants free.

Agrees to sell plant at any time within 20 years.

—in case of disagreement, court may appoint commission to fix price.

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shall, after examination of said plant and franchise, and hearing of the parties, make award or appraisal, which shall be binding on all parties thereto.

Sect. 14. This act shall take effect when approved.

Approved February 24, 1897.

Chapter 367.

An Act to prevent the unreasonable obstruction of public travel over the Penobscot River.

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

Running of
rafts ex-
ceeding 1950
feet in
length, on
Penobscot
river be-
tween toll
bridge and
High Head,
prohibited.

—penalty
for viola-
tion, and
how recov-
ered.

Whoever runs or tows any log or lumber raft or rafts exceeding nineteen hundred and fifty feet in length, including tow boats and tow lines, on the Penobscot river between the Bangor and Brewer toll bridge and High Head, so called, shall forfeit twenty-five dollars for the use of Penobscot county, to be recovered on complaint or indictment, or in an action of debt; and it shall be the duty of the harbor master of the port of Bangor to enter upon, measure and determine the length of such rafts, including tow boat and tow lines, upon complaint to said harbor master, made by any officer of the Bangor and Brewer Ferry Company.

Approved February 24, 1897.

Chapter 368.

An Act to incorporate Shin Pond Stream Dam and Improvement Company.

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

Corpora-
tors.

—corporate
name.

Sect. 1. Edward Stetson, Isaiah K. Stetson, Frederick H. Appleton, Henry A. Appleton, William Engel, Ira B. Gardner and Don A. H. Powers, their associates, successors and assigns are hereby created a corporation by the name of the Shin Pond Stream Dam and Improvement Company with all the powers and privileges of similar corporations.

Authorized
to erect
dams and
sluices.

Sect. 2. Said corporation is hereby authorized, for log driving purposes only, to take by purchase or erect and maintain a dam at or near the outlet of Upper Shin pond in the town