

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)

ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1901

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

CHAP. 251**Chapter 251.**

An Act to provide for a close time on Lily Pond, in the town of Shirley, County of Piscataquis.

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

Close time for
Lily pond in
Shirley.

Section 1. It shall be unlawful for three years from the approval of this act to fish for, take, catch or kill, in any way or manner, any fish of any kind in Lily pond, in the town of Shirley, county of Piscataquis.

Penalty.

Section 2. Whoever violates any of the provisions of this act shall be subject to the same penalties for illegal fishing as are provided in the general law.

Approved February 13, 1901.

Chapter 252.

An Act to supply the town of Dexter with pure water.

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

Town author-
ized by a
commission
to take water
for domestic
purposes, etc.

Section 1. The town of Dexter, by its municipal officers or by a commission as hereinafter provided, acting for and in behalf of said town, is authorized and empowered to take water from any lake, pond, stream, brook, spring or other water source, within said town, sufficient for domestic purposes in said Dexter, including a sufficient quantity to extinguish fires, supply hotels, laundries, livery stables and private dwellings, as well as for the sprinkling of lawns and streets, and for manufacturing purposes; and for the purposes aforesaid, to convey any of the waters aforesaid by aqueducts or pipes, sunk to any depth desirable for said purposes, and to lay such aqueducts or pipes under or over any water course, street, railroad, highway or other way, in such manner as not unreasonably to obstruct the same; and to lay down, in and through streets and ways in said town of Dexter, and take up, replace and repair all such aqueducts, pipes or service pipes, as may be necessary to carry out the purposes of a complete system of water works.

—lay pipes

Town author-
ized to take
lands.

Section 2. For the purpose of carrying out the provisions of this act, said town of Dexter, by its municipal officers, or said commission, shall have power, and are hereby authorized to take and hold by purchase, or otherwise, any lands or real estate necessary for laying and maintaining pipes, aqueducts, locks, gates, dams, hydrants and reservoirs, for taking, conducting, conveying, holding, discharging and distributing water, and for

roadways to be used as approaches thereto, doing no unnecessary damage. The said town, by its municipal officers, or said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall file in the registry of deeds in the county in which such lands or property lies, plans of such lands and locations, showing the property taken within said county, and within thirty days thereafter shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued three weeks successively, and such filing in the registry of deeds shall be in lieu of any other filing now required by law.

—shall file plans in registry of deeds.

Section 3. Should the said town of Dexter, by its municipal officers or said commission, and the owner of such land be unable to agree upon the damages to be paid for such taking, location and holding, the land owner or the town of Dexter by its municipal officers, or said commission, may within twelve months after the filing of said plans and location apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of highways, so far as such law is consistent with the provisions of this act.

Damages, how ascertained in case of disagreement.

Section 4. The town of Dexter, by its municipal officers, or said commission, are authorized and empowered to contract with any person or corporation to construct aqueducts, pipes, dams, locks, gates, hydrants, reservoirs and other structures necessary for a system of water works, upon lands taken as hereinbefore prescribed.

May make contracts.

Section 5. For the purpose of carrying into effect the provisions of this act, the town of Dexter, at a meeting duly called therefor, may as soon as this act takes effect, if it so elects, or at any time thereafter elect by ballot three water commissioners, whose duty it shall be to perform all such acts for the town as are necessary and convenient for the full operation of this act, and such as may be prescribed by town ordinance or lawfully directed by the municipal officers of said town. The three persons first chosen, as aforesaid, shall serve one for one year, one for two years, one for three years from the date of the annual March meeting. Their terms of service being designated by the municipal officers of the town of Dexter, and thereafter one commissioner shall be elected by ballot annually at the annual March meeting, to serve for the term of three years. The municipal officers of said town of Dexter may fill any vacancy occurring

May choose board of water commissioners.

—tenure and how elected.

CHAP. 252

—town
officers
eligible.

by death, resignation or otherwise. Until such water commissioners are elected, the municipal officers of said town of Dexter shall perform the duties of the water commissioners. Municipal officers of the town of Dexter are eligible to be elected water commissioners.

May fix water
rates, etc.

Section 6. Said municipal officers of said town of Dexter, or said water commissioners, in case water commissioners are elected as hereinbefore provided, are authorized to fix the rates for water to be paid monthly, quarterly, semi-annually or annually by persons or corporations supplied with the same, or by the state of Maine if so supplied, and in the same manner determine the conditions and methods of such supply, and shall have general charge and control of the town's water system.

Authorized
to lay pipes.

Section 7. Said town of Dexter, through its municipal officers, or said commission, is authorized for the purpose of carrying into effect the provisions of this act, to dig up and excavate any highway in said town, lay pipes therein, and fill the trenches under the directions of the road commissioner of said town or such person as may be acting in that capacity for the time being.

Shall file
notice in
registry of
deeds of the
taking of
water.

Section 8. Whenever said town of Dexter shall under section one of this act take water from any of the sources therein named it shall file in the registry of deeds in the county in which such source of supply is located, a notice of such taking, describing the size, location and depth of the pipe or pipes through which said water is to be taken from said source. The said town of Dexter shall pay all damages sustained by any person or corporation by the taking of any water, water source, water right or easement, or by any other thing done by said town under the authority of this act, which shall be determined and assessed in the same manner as is provided in section three for land taken under the provisions of this act.

—how
damages
shall be
determined.

Section 9. For the purpose of raising money to carry out the provisions of this act, the town of Dexter may issue its bonds with interest coupons, signed in behalf of said town by the municipal officers and the treasurer of said town, when authorized by a vote of said town at a legal town meeting, to an amount which taken in addition to the other indebtedness of the town, will not exceed the amount limited by the constitution of Maine. Such bonds shall be signed by the municipal officers of the town and the treasurer thereof, but the coupons need be signed by the treasurer only; and the bonds shall be designated and marked "The Dexter Water Loan."

Town may
issue bonds.

Town may
transfer its
rights to
corporation.

Section 10. In case said town of Dexter, in a legal town meeting, shall refuse to vote to proceed as a municipality, under the rights, powers and authority herein granted, with the work

of supplying the town of Dexter with pure water, or shall fail to take any action in regard to the matter, within a period of three months from the date of the approval of this act, then said town at a legal town meeting called and held for the purpose, or at the annual March meeting, shall have the right, and is hereby granted the authority, provided a majority of its legal voters present so vote, to transfer the rights, powers, authority and privileges herein granted to the town of Dexter, to a corporation which shall be organized for the purpose of supplying said town with pure water. Said transfer to be made upon such terms, and under such conditions, restrictions and limitations as shall be determined by said town in a legal town meeting and David H. Mudgett, Charles M. Sawyer, Arthur P. Abbott, Freeman D. Dearth, Nathan Daggett, John L. Morrison, Warren H. Carr and Charles D. Roberts are hereby constituted a corporation for such purpose of supplying the town of Dexter with pure water.

—corporators

Section 11. Said corporation may for said purposes hold real estate not exceeding in value seventy-five thousand dollars.

Corporation may hold real estate.

Section 12. Said corporation shall have the right to take water from any lake, pond, stream, brook, spring or other water course within said town of Dexter, and to convey the same upon such conditions and under such restrictions as are prescribed in section one of this act.

May take water.

Section 13. Said corporation shall have the right to take lands or real estate, necessary for laying and maintaining pipes, aqueducts, locks, gates, dams, hydrants, reservoirs, and water works structures, upon such conditions and under such restrictions as are prescribed in section two of this act.

May take lands.

Section 14. Said corporation shall have the right to lay its pipes or aqueducts under or over any water course, street, railroad, highway or other way, and in and through the streets and ways in said town of Dexter, in such manner, and under such restrictions as are prescribed in section one of this act.

May lay pipes over streets, etc., under restrictions.

Section 15. Said corporation shall have the right to settle damages for the taking and holding of land, or real estate for the location of its pipes, aqueducts, locks, gates, dams, hydrants, reservoirs and water works structures, and their maintenance upon such terms and conditions, and in such manner, as is prescribed in section three of this act.

How damages may be settled.

Section 16. If it shall be necessary for said corporation to lay pipes or aqueducts across or under the tracks or location of any railroad company, and said corporation shall fail to agree with such railroad company, as to place, manner and condition of crossing its railroad, with such pipes or aqueducts, the place, manner and condition of said crossing shall be determined by

Manner of laying pipes under railroad how determined.

CHAP. 252

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 officers and agents of the railroad company, but at the expense of said corporation.

Responsibility for damages.

Section 17. Said corporation shall be responsible for all damages to persons or property, occasioned by the use and occupancy of said streets and ways, for the laying of its pipes and aqueducts and the construction of its locks, gates, dams, hydrants, reservoirs and water works structures, and shall pay to said town all sums recovered against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending suits for such damages.

Town may purchase works of corporation.

Section 18. Said town of Dexter any time after the expiration of three years from the opening for use and service of a system of water works, constructed by said corporation, and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell, to said town, said system of water works, including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and at such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

—how price may be determined in case of disagreement.

May make contracts to supply water.

Section 19. Said corporation may make contracts with the state of Maine, the town through which the pipes of the system may be laid, or with the corporations and individuals of said town, for supplying water as contemplated in this act, and said corporation may establish and fix from time to time rates for the use of said water, and collect the same and the town of Dexter in legal town meeting may authorize its municipal officers to contract for a supply of water for the extinguishment of fires, flushing of sewers or other purposes, for a term of years with said corporation.

Capital stock.

Section 20. The capital stock of said corporation shall not exceed seventy-five thousand dollars and may be divided into shares of fifty dollars each.

Corporation may issue bonds and mortgage property.

Section 21. Said corporation may issue bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding in amount the amount of capital stock subscribed for, and secure the same by mortgage on the franchise and property of said corporation.

Act void in two years.

Section 22. If said corporation shall not be organized and have its works in actual operation within two years from the

date of approval of this act, the rights and privileges herein granted, shall be null and void.

Section 23. The first meeting of said corporation may be called by a notice, signed by any two of the incorporators, served upon each incorporator, by giving him the same in hand, or by leaving the same at his last and usual place of abode, seven days before the time of meeting.

First meeting
how called.

Section 24. This act shall take effect when approved.

Approved February 13, 1901.

Chapter 253.

An Act to extend the charter of the Kennebec and Franklin Railway.

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

The time within which the Kennebec and Franklin Railway, a corporation created by chapter seventy of the private and special laws of eighteen hundred and ninety-one, may file its locations and commence operations for building its lines, is hereby extended to December thirty-first, nineteen hundred and three.

Charter
extended.

Approved February 13, 1901.

Chapter 254.

An Act entitled "An Act to establish ward boundaries of the city of Bangor."

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

Section 1. The ward boundaries of the city of Bangor as established by the city council November thirteen, nineteen hundred, are hereby approved, confirmed, ratified and made legal and shall be taken to be the legal ward boundaries of the city.

Ward lines in
Bangor made
legal.

Section 2. This act shall take effect when approved.

Approved February 13, 1901.