

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

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and within the same; and to collect tolls and rentals for the use thereof; with the right to cut down trees, except ornamental and shade trees, and remove obstructions when necessary.'

Section 2. Said charter is further amended by adding thereto, two following sections, numbers nine and ten:

Acts of
company
made valid.

'Section 9. All acts done by, locations and permissions granted to, and the mortgage of its property and franchises made by said company, and all the provisions of said mortgage are hereby ratified, approved and made valid.'

May do
business in
other states
and countries.

'Section 10. This corporation is authorized to exercise its powers, carry on its business and do all acts pertaining thereto, in any other state or country.'

Section 3. This act shall take effect when approved.

Approved February 15, 1901.

Chapter 260.

An Act to incorporate the Searsport Water Company.

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

Corporators.

Section 1. J. W. Black, William H. Hill, Fred Atwood, C. E. Adams, C. F. Gordon, J. H. Kneeland, their associates, successors and assigns, are hereby made a corporation by the name of the Searsport Water Company, for the purpose of supplying the town of Searsport, in the county of Waldo, and the inhabitants of said town, with pure water for domestic, sanitary and municipal purposes, including extinguishment of fires.

—corporate
name.

—may take
water.

Section 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, except such springs as are in actual use for domestic purposes, ponds, streams, or other water sources in said Searsport, or from Boyd's pond in Stockton Springs, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

May lay
pipes along
highways.

Section 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said towns, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said towns may impose. It shall be responsible for all damages to persons and property occasioned by the use of such

—responsi-
bility for all
damages.

highways, ways and streets, and shall further be liable to pay to said towns all sums recovered against said towns for damages for obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said company shall have notice of such suits and opportunity to defend the same.

Section 4. Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. Whenever said company shall lay down any fixture in any highway, way, or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

Section 5. Said company may take and hold any waters as limited in section two and also any lands necessary for reservoirs, and other necessary structures, and may locate, lay and maintain aqueducts, pipes, hydrants and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and location, and shall file in the registry of deeds for said county of Waldo, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than one rod in width of land shall be occupied by any one line of pipe or aqueduct.

Section 6. Should the said company and the owner of such land so taken be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Waldo, and cause such damages to be assessed 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 highways, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts

May cross private and public sewers, etc.

—shall not obstruct public travel.

May take lands.

—shall file plan of location in registry of deeds.

Damages how assessed in case of disagreement.

—how recovered.

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of said county, the said location shall be thereby invalid, and said company forfeits all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered him by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within three years by the land owner, shall be held to be a waiver of the same.

--shall file bond if land is occupied before final judgment.

--failure to apply for damages within 3 years shall be held to be a waiver.

Damages for taking water how assessed.

Section 7. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment therefor shall be made in the same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

May make contracts to supply water

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Searsport or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Searsport by its selectmen, or such village corporation by its assessors, is hereby authorized to enter into contracts with said company for a supply of water for public uses, on such terms and for such time as the parties may agree, which when made, shall be legal and binding on all parties thereto, and said town of Searsport for this purpose may raise money in the same manner as for other town charges.

--town may contract for water.

Capital stock.

Section 9. The capital stock of said company shall be fifty thousand dollars, and said stock shall be divided into shares of one hundred dollars each.

May hold capital stock not exceeding \$200,000.

Section 10. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount two hundred thousand dollars.

May issue bonds and mortgage property.

Section 11. Said company may issue its bonds for the construction of its works of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding in all the capital stock of said corporation subscribed for, and secure the same by mortgage or mortgages of the franchise and property of said company.

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Section 12. The first meeting of said company may be called by a written notice thereof, signed by any corporator herein named, served upon each corporator by giving him the same in hand, or by leaving the same at his last usual place of abode, seven days before the time of meeting.

First meeting how called.

Section 13. Said town of Searsport at any time after the expiration of five 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 that 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.

Town authorized to purchase works.

—price, how determined in case of this agreement.

Section 14. This act shall become null and void in two years from the day when the same shall take effect, unless said company shall have organized and commenced actual business under this charter.

When act becomes void

Section 15. This act shall take effect when approved.

Approved February 15, 1901.

Chapter 261.

An Act to amend the charter of the Rockland Trust Company.

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

Section 1. That section five of the charter of the Rockland Trust Company be, and is hereby amended by striking out in the last sentence of said section the word "five" and inserting in place thereof the word 'seven,' and by adding to said section the following: 'one of whom shall be president of the corporation. Vacancies in said board of trustees or executive board may be filled by the remaining trustees.' So that said section, as amended, shall read as follows:

Charter amended.

'Section 5. All the corporate powers of said corporation shall be exercised by a board of fifteen trustees and such officers and agents as they shall appoint. All of said trustees shall be residents of this state, and all shall be sworn to the faithful performance of the duties of their office. They shall be elected annually, and shall hold their offices until others are chosen and

Board of trustees.

—eligibility.

—election and tenure.