

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

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

CHAP. 212

of Dexter shall pay all damages sustained by any person or corporation by 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. Damages shall not be allowed for taking water from Dexter pond, otherwise known as Silver lake.

—town of Dexter shall pay damages for taking water, etc.

—exception.

Approved March 19, 1903.

Chapter 212.

An Act to incorporate the Searsport Water Company.

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

Section 1. J. W. Black, A. H. Nichols, L. C. Morse, C. E. Adams, 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.

Corporators.

—corporate name.

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 take water.

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 highways, ways and streets, and shall further be liable to pay to said town 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.

May lay pipes.

—responsible for damages.

CHAP. 212

May cross
sewers.

—shall not
unnecessarily
obstruct
travel.

May take
lands.

—may enter
on lands and
make
surveys.

In case of
disagree-
ment, how
damages
shall be
assessed.

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 damages shall be assessed in accordance with the law applicable to the assessment of damages for ways taken by railroads, 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 of said county, the said location shall be thereby invalid, and said company forfeit 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.

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.

Damages for taking water how assessed

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 contract 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.

May make contracts.

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

Capital stock

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 hold property not to exceed \$200,000.

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.

May issue bonds.

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. This act shall become null and void in two years from the day when the same shall take effect, unless said com-

Must organize and commence

CHAP. 213

business within two years.

pany shall have organized and commenced actual business under this charter.

Section 14. This act shall take effect when approved.

Approved March 19, 1903.

Chapter 213.

An Act authorizing the County Commissioners of Cumberland County to erect a county building in Portland.

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

County commissioners authorized to build a county building.

The county commissioners of the county of Cumberland are authorized to erect and maintain in the city of Portland a county building of modern, fire proof construction, containing suitable court rooms, registries, county offices, library rooms and such other rooms, accommodations and conveniences as to such commissioners may seem necessary or desirable, and for that purpose to acquire suitable land, either by purchase, exchange or by taking as for public uses, and in order to provide for the payment thereof to borrow money and issue interest bearing bonds of said county. Said county commissioners shall cause any land so taken to be surveyed, located and so described that the same can be identified, and shall cause a plan and description thereof to be filed in their office and there recorded. The filing of said plan and description shall vest the title to said land in said county, or its grantees, to be held during the pleasure of said county.

—may acquire land.

—plan of land acquired shall be filed.

—compensation for land, how determined in case of disagreement.

If compensation for land taken as aforesaid is not agreed upon, the owner of said land shall have just compensation therefor, to be determined by a commission of three disinterested persons, not residents of said county of Cumberland, appointed by any justice of the supreme judicial court, upon petition of the owner of said land or of said county commissioners, directed to said court and filed in said court at any time within one year after said plan and description are filed in the office of said county commissioners as aforesaid. Such commission shall, after hearing, make its award and return the same to said court within six months from date of its appointment. The supreme judicial court may confirm such award or reject it or recommit it or submit the subject matter thereof to a new commission. Such commission shall have full power to summon and examine witnesses, call for books and papers for the determination of said compensation and may fix the time and place of hearing and adjourn the same from time to time.