

MAINE STATE LEGISLATURE

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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.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

steam, naphtha or electricity, for the carriage of passengers for hire, for the period of ten years from approval of this act, except that any other person or company owning boats or water craft, propelled by steam, naphtha or electricity, shall have the right to use the same on said ponds, the channels and streams connecting the same, for the carriage of passengers for hire, upon the payment of their proportional part of said improvements so made, to these incorporators, their associates or assigns, taking into account the number of boats used which are propelled by steam, naphtha or electricity. And after said payment, such person or company shall have the same right of navigation in said ponds, their connecting streams and channels, as the foregoing incorporators, their associates and assigns, have under this act.

--other persons may purchase right of navigation.

Section 3. If the sum of one thousand dollars shall not be expended within two years from the date of the approval of this act in making said improvements upon said ponds, then this act shall become void.

Shall expend \$1,000 within two years.

Section 4. This act shall take effect when approved.

Approved March 28, 1903.

Chapter 373.

An Act to supply the people of Bangor with pure drinking water.

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

Section 1. F. W. Ayer, I. K. Stetson, J. P. Bass, P. H. Gillin, J. F. Whitcomb, C. H. Haynes and J. O. Whitney, with their associates and successors are hereby made a corporation by the name of the Bangor Water Power Company, for the purpose of conveying to the city of Bangor a supply of pure water for drinking purposes.

Corporators.

--corporate name.

Section 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount six hundred thousand dollars.

May hold real and personal property.

Section 3. Said corporation is hereby authorized, for the purpose aforesaid, to take and hold the water of Hat Case pond, so called, in the town of Dedham, and streams tributary thereto in said town, and the water of Fitts pond, so called, in the town of Clifton, and the streams tributary thereto in said town of Clifton, and may also hold by purchase or otherwise any land or real estate necessary for erecting dams and reservoirs and for laying and maintaining aqueducts for conducting, discharging,

Source of water supply.

--may hold land for erection of dams, etc.

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distributing and disposing of water, and for forming reservoirs thereof.

Damages,
liability for.

Section 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land or mill privilege, or by flowing or excavating through any land for the purpose of laying down pipes, building dams, or constructing reservoirs; and if any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such damage shall be assessed in the same manner and under the same conditions, restrictions and limitations, as are by law prescribed in the case of damages for land taken by railroads.

--damages,
how assessed.

Capital stock.

Section 5. The capital stock of said company shall not exceed six hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act.

Shall operate
works within
six years.

Section 6. If said corporation shall not be organized, and its works put into actual operation within six years from the approval of this act, it shall be null and void.

Liability for
injury to
private
property.

Section 7. Nothing contained in this act shall be construed to affect or diminish the liability of said corporation, for any injury to private property, by depreciating the value thereof or otherwise, but said corporation shall be liable therefor in an action on the case.

May lay
pipes, etc.

Section 8. The said company are hereby authorized to lay down in and through the streets of said city, and to take up, replace and repair, all such pipes, aqueducts and fixtures as may be necessary for the objects of their incorporation, first having obtained the consent of the city council therefor, and under such restrictions and regulations as said city council and water board may see fit to prescribe; and any obstruction in any street of said city, or taking up or displacement of any portion of any street, without such consent of the city council, or contrary to the rules and regulations that may be prescribed as aforesaid, shall be considered a nuisance, and said company shall be liable to indictment therefor, and to all the provisions of the law applicable thereto, and said company shall in all cases be liable to repay said city all sums of money that said city may be obliged to pay on any judgment recovered against said city for damages occasioned by any obstructions or taking up or displacement of any street by said company whatever, with or without the consent of the city council, together with counsel fees and other expenses incurred by said city in defending any suit to recover damages aforesaid, with interest on the same, to be recovered in an action for money paid to the use of said company.

--restrictions
and
regulations.

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Section 9. Whenever the company shall lay down any pipes or aqueducts in any street, or make any alteration or repairs upon their works in any street, they shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall at their own expense, without unnecessary delay, cause all earth and pavement removed by them to be replaced in proper condition. They shall not in any case be allowed to obstruct or impair the use of any public or private drain, or common sewer or reservoir, but said company shall have the right to cross, or when necessary, to change the direction of any private drain in such a manner as not to obstruct or impair the use thereof, being liable for any injury occasioned by any such crossing or alteration to the owner thereof or any other person, in an action upon the case.

Shall not unnecessarily obstruct public travel.

--may cross, but shall not obstruct sewers.

Section 10. If in the erection and construction of the works herein provided for, it shall become necessary to erect any dam, or permanent works over tide waters, the said company is hereby authorized to erect, construct and maintain the same, first having the approval of the city council of said city.

May erect permanent works over tide waters

Section 11. The mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of said corporation which may in any manner affect the health, safety or convenience of the inhabitants of said city.

Mayor and aldermen shall have control of acts and doings of.

Section 12. The first meeting of said corporation may be called by a notice signed by two of the corporators, published five days successively before the day fixed for such meeting in any newspaper published in Bangor.

First meeting how called.

Section 13. The city of Bangor shall have the right at any time within one year from the date of approval of this act, to take, exercise and control all the property, rights, powers and privileges of said corporation, on paying to said corporation the amount of money actually paid in and expended under the provisions of this act; and in case said city and said corporation shall not agree upon the sum to be paid therefor, the supreme judicial court, at any term thereof holden in the county of Penobscot, upon application of said city, shall appoint three commissioners, whose duty it shall be to hear the parties and determine what amount has been expended under the provisions of this act, the report of whom, or the major part of them, when made and accepted by the court, shall be final; and upon payment of that sum, the franchise of said corporation, with all the property, rights, powers and privileges, shall vest in and belong to said city of Bangor.

City of Bangor may take works.

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Section 14. This act shall be taken and deemed to be a public act, and shall be in force from and after its approval.

Approved March 28, 1903.

Chapter 374.

An Act to authorize Jacob C. Pike to extend and maintain a wharf in Lubec Narrows.

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

Jacob C. Pike
authorized to
erect wharf.

Jacob C. Pike, his associates and assigns, are hereby authorized to erect and maintain a wharf from the shore front of his land to the United States harbor line in Cobscook bay, town of Lubec.

Approved March 28, 1903.

Chapter 375.

An Act to authorize Clarence H. Clark to extend and maintain a wharf in Lubec Narrows.

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

Clarence H.
Clark
authorized to
erect wharf.

Clarence H. Clark, his associates and assigns, are hereby authorized to erect and maintain a wharf from the shore front of his land to the United States harbor line in Cobscook bay, town of Lubec.

Approved March 28, 1903.

Chapter 376.

An Act to authorize the Portage Lake Mill Company to build and maintain piers and booms, and to operate a steamboat in Portage Lake.

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

Portage Lake
Mill Co.
authorized to
build piers,
etc.

The Portage Lake Mill Company is hereby authorized and empowered to build, maintain and control piers, booms and hitching posts in the southerly end of Portage lake in the county of Aroostook, opposite land owned by said company, and the adjoining lands, to enable said company to hold and retain logs and lumber to be manufactured at the mill of said company, in Portage Lake plantation, in said county of Aroostook, but said