

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-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

CHAP. 291

--provisions
for taking
over the
property of
said district.

all liability whatsoever on account of said water works system or the operation thereof. Provided, however, that said city shall not so acquire said water works system until at least two-thirds of the qualified voters in said city, voting at any regular municipal or special election held for the purpose, shall have voted in favor thereof, and the declaration of such vote shall constitute a transfer of all said property and said city shall at once execute and deliver a proper instrument of guaranty and agreement to said corporation to effect the foregoing result.

Trustees
shall not
supply water
district with
materials, etc.

Section 10. No such trustee nor any firm or corporation of which he is a member or by whom he is employed shall enter into any contract with said corporation or sell to said corporation any tools, machinery or material to be used in the construction, repair or maintenance of the present or future property of said corporation, and all such contracts or sales shall be absolutely void.

Trustees shall
make
annual report
to city
government.

Section 11. The trustees of said Bangor Water District shall, at the beginning of each municipal year of said city of Bangor, present to the incoming city government of said city a detailed report for the past municipal year of their doings, of the receipts and expenditures of said water district, of its financial and physical condition, and of such other matters and things pertaining to said corporation as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust.

Incidental
powers
granted.

Section 12. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Section 13. Except as above provided, this act shall take effect when approved.

Approved March 21, 1905.

Chapter 291.

An Act to incorporate the Hampden Water Company.

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

Corporators.

Section 1. G. W. Smith, H. W. Mayo, Frank H. Damon, John Leary, W. H. Nason, C. W. Page and W. W. Emerson, their associates, successors and assigns, are hereby made a corporation by the name of the Hampden Water Company, for the purpose of supplying the town of Hampden, in the county of Penobscot, and the inhabitants of said town, with pure water for

--corporate
name.

domestic, sanitary and municipal purposes, including extinguishment of fires.

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 Hampden or other places; and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all necessary structures thereof.

Company given authority to take water supply.

Section 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its corporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said towns may impose. Said company is hereby authorized to lay, construct and maintain its pipes across the location of any railroad, and all work within the limits of the railroad location shall be done under the supervision and to the reasonable satisfaction of the chief engineer of the railroad company. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways, streets, and shall further be liable to pay to said town all sums recovered against said towns 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 and opportunity to defend the same.

May lay pipes, etc.

--may cross location of railroad.

--shall be responsible for damages.

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.

May cross but shall not impair sewers, etc.

--shall not unnecessarily obstruct streets.

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

May take lands.

--may lay pipes, etc.

CHAP. 291

--may enter upon lands for surveys.

--shall file plans of locations.

Damages, how determined.

--company may make tender for damages.

How damages may be assessed.

May make contracts for supplying water.

purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Penobscot, 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 in 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.

Section 8. Said corporation is hereby authorized to make contracts with corporations, and inhabitants of said town of

Hampden, or any village corporation therein, for the purpose of supplying water as contemplated by this act; and said town of Hampden 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 Hampden for this purpose may raise money, in the same manner as for other town charges.

Section 9. The capital stock of said company shall be one hundred 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 one hundred and fifty thousand dollars.

May hold real estate to amount of \$150,000.

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.

Notice of first meeting, how given.

Section 13. 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.

Shall commence business within two years.

Section 14. This act shall take effect when approved.

Approved March 21, 1905.

Chapter 292.

An Act to provide blanks, books and stationery for the municipal court in Newport.

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

Section 1. It shall be the duty of the county commissioners of the county of Penobscot to furnish and provide at the expense of said county, all books, blanks, and all necessary stationery and supplies required for the use of the municipal court in the town of Newport, in the transaction of the civil and criminal

County commissioners shall furnish blanks.