

MAINE STATE LEGISLATURE

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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.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

CHAP. 332

Chapter 332.

An Act to prohibit throwing sawdust, shavings, waste or refuse into Heath brook or its tributaries, in the town of Acton, York county.

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

Throwing of
mill waste
into Heath
brook,
forbidden.

Section 1. No person shall cast or throw into Heath brook in the town of Acton, in the county of York, or into any of the tributaries of said brook, any sawdust, shavings, bark or other mill waste, or place or deposit such mill waste or other refuse along the banks in such manner that the same shall fall or be washed into said brook or its tributaries.

Penalty.

Section 2. Whoever violates any of the provisions of this act shall be subject to a penalty of not less than fifty nor more than one hundred dollars and costs for each offense.

Section 3. This act shall take effect when approved.

Approved March 21, 1905.

Chapter 333.

An Act to amend Chapter one hundred and fifty-three of the Private and Special Laws of eighteen hundred seventy-nine, in regard to building dams and embankments on Swift river in the town of Byron.

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

Section 1,
chapter 153,
private and
special laws
1879,
amended.

Section 1. The first line of section one is hereby amended by adding after the word "Byron" the words 'or the Rumford Falls and Rangeley Lakes Railroad Company;' also the ninth line of said section one by adding after the word "Byron" the words 'or the Rumford Falls and Rangeley Lakes Railroad Company;' also the thirteenth line of said section one by adding after the word "Byron" the words 'or the Rumford Falls and Rangeley Lakes Railroad Company;' also by inserting after the word "highway" in the fifth line and before the word "in" in the sixth line the words 'or the track of said railroad company', so that said section as amended, shall read as follows:

Inhabitants
of Byron or
the Rumford
Falls and
Rangeley
Lakes
R. R. Co.
authorized to
confine Swift
river in its
proper
channel.

'Section 1. The inhabitants of the town of Byron, or the Rumford Falls and Rangeley Lakes Railroad Company, in the county of Oxford, are hereby authorized to construct, maintain and keep in repair, dams and embankments, at such places in said town as may be necessary to confine the water of Swift river in its proper channel, and to keep said water from injuring the public highway or the track of said railroad company in said town, and for said purpose may at all times enter upon and take

such land and material as may be required in constructing, maintaining and keeping in repair such dams and embankments; provided, however, said inhabitants of Byron, or the Rumford Falls and Rangeley Lakes Railroad Company, shall pay the owner of such land or material so taken such sum as the parties may agree upon, and in case the parties fail to agree upon the amount of damage or value of the property so taken, said inhabitants of Byron, or the Rumford Falls and Rangeley Lakes Railroad Company, shall pay such damage as may be adjudged by the county commissioners of the county of Oxford, to be ascertained in the same manner and under the same conditions and liabilities as are now or may hereafter be provided by law in case of damage by the laying out of public highways, and for the purpose of this act, said inhabitants of Byron may raise and appropriate money in the same manner as is provided by law for constructing or repairing highways.'

—may enter on and take land and material.

—damages, by whom paid.

Section 2. Also that section two of this act be amended as follows: By inserting after the word "town" and before the word "to" in the third line of said section the words 'or the Rumford Falls and Rangeley Lakes Railroad Company;'; also said section is further amended by inserting after the word "located" in the eleventh line of said section the words 'in case the owner of said land is not a resident of the town of Byron so that personal notice cannot be conveniently given him said notice may be published three weeks successively in some newspaper published in the county of Oxford, the last publication to be at least seven days before the time appointed for the aforesaid view;'; also by inserting after the word "otherwise" in the seventeenth line of said section the words 'in case the owner of said land is not a resident of the town of Byron so that personal notice cannot be conveniently given him, said notice may be published three weeks successively in some newspaper published in the county of Oxford, the last publication to be at least seven days before the time appointed for the aforesaid view;'; also by inserting after the word "notice" in the eighteenth line of said section two the words 'or date of publication of said notice.' Said section is further amended by inserting after the word "parties" in the thirty-sixth line of said section the following words: 'Should said selectmen neglect or refuse to locate dams or embankments as requested by the petitioners, the Rumford Falls and Rangeley Lakes Railroad Company shall have the same right to appeal from the decision of said board of selectmen that is herein provided for land owners, and the same procedure as to notice and other things to be done in the matter of appeal shall be taken by said railroad company as is herein pro-

Section 2, chapter 153, amended.

CHAP. 333

vided for the land owners to take,' so that said section as amended, shall read as follows :

Selectmen on request may locate dams or embankments.

'Section 2. The selectmen of said town of Byron, or their successors in said office, on request of five or more citizens of said town, or the Rumford Falls and Rangeley Lakes Railroad Company, to locate or construct dams or embankments in said town, for the purposes aforesaid, shall forthwith appoint a time and place when they will meet to view the premises, and shall give not less than seven days' notice of the time and place designated, to all parties interested; said notice may be a written notice to the owner of the land on which said proposed dam or embankment is to be constructed; or it may be by posting up said notice in three public and conspicuous places in the immediate vicinity, where said proposed dam is asked to be located. In case the owner of said land is not a resident of the town of Byron so that personal notice cannot be conveniently given him, said notice may be published three weeks successively in some newspaper published in the county of Oxford, the last publication to be at least seven days before the time appointed for the aforesaid view.

--notice to parties interested.

--how given.

--hearing and notice of decision to locate.

At the time appointed, said selectmen shall meet, view the premises, hear the parties, and if a decision to locate is made, shall give the owner or owners of the land where said dam or embankment is to be located, if the residence of such owner or owners is known, written notice of their said decision, either by mail or otherwise. In case the owner of said land is not a resident of the town of Byron so that personal notice cannot be conveniently given him said notice may be published three weeks successively in some newspaper published in the county of Oxford, the last publication to be at least seven days before the time appointed for the aforesaid view. Said owner or owners shall have seven days from the time they have notice or date of publication of said notice of such decision, in which to enter with the clerk of the town of Byron, notice of an appeal from the decision of said selectmen, and in case a notice of such an appeal is not so lodged with the clerk, no appeal shall be taken. Any land owner aggrieved at the decision of said selectmen as to the aforesaid location, may appeal as aforesaid to the county commissioners of Oxford county, by entering his said appeal with the clerk of said commissioners in said county, within ten days after receiving notice of the decision of said selectmen; said clerk shall immediately notify said board of commissioners of said appeal, and said commissioners shall forthwith appoint a time and place within thirty days, when they will view the premises and hear all interested. The clerk aforesaid, shall

--entry of appeal.

--hearing by county commissioners.

notify by letter the said selectmen and the parties taking the appeal, of the time and place designated by the commissioners for hearing the parties; he shall also cause a notice of said hearing to be published one or more times in some newspaper printed in Oxford county, and shall mail a copy of said paper, with the notice printed therein, to the respective parties. Should said selectmen neglect or refuse to locate dams or embankments as requested by the petitioners, the Rumford Falls and Rangeley Lakes Railroad Company shall have the same right to appeal from the decision of said board of selectmen that is herein provided for the land owners, and the same procedure as to notice and other things to be done in the matter of appeal shall be taken by said railroad company as is herein provided for the land owners to take.

At the time of said hearing, said commissioners shall view the premises, hear the parties, after which they may confirm the decision of said selectmen in whole or in part, or may make such new location or locations, as is in their judgment necessary, and assess all damages caused by said locations. They shall also cause a report of their doings to be recorded in the clerk's office in said town of Byron, also in their own office. Their said decision as to location to be final, but not as to damages.'

--duties of
commis-
sioners
at hearing.

Section 3. Said dams or embankments may be constructed before the question of damage is settled.

Dams or
embankments
may be built
before
damages are
settled.

Section 4. The expense of the commissioners shall be included in their regular bills against the county.

Expense
of commis-
sioners.

Approved March 21, 1905.

Chapter 334.

An Act to incorporate the Dexter Trust Company.

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

Section 1. Cyrus Foss, S. S. Ireland, W. E. Brewster, F. D. Dearth, C. M. Sawyer, W. H. Judkins, A. A. Springall, Arthur P. Abbott, J. Willis Haines, Elmer A. Brewster, George Park, David H. Mudgett and C. H. Haines or such of them as may by vote accept this charter, their associates, successors and assigns, are hereby made a body corporate and politic to be known as the Dexter Trust Company, and as such shall be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by law.

Corporators.

--corporate
name.