

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.

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 363.

An Act to amend Section three of Chapter fifty of the Private and Special Laws of eighteen hundred and twenty-one, as amended by Chapter one hundred and sixty-one of the Private and Special Laws of eighteen hundred and forty-eight, as amended by Chapter one hundred and seventy-one of the Private and Special Laws of eighteen hundred and sixty-two, as amended by Chapter four hundred and thirteen of the Private and Special Laws of nineteen hundred and three, relating to extending the time of controlling the water at the alewive fishery at Damariscotta Mills.

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

Section 1. Section three of chapter fifty of the private and special laws of eighteen hundred and twenty-one, as amended by chapter one hundred and sixty-one of the private and special laws of eighteen hundred and forty-eight, as amended by chapter one hundred and seventy-one of the private and special laws of eighteen hundred and sixty-two, as amended by chapter four hundred and thirteen of the private and special laws of nineteen hundred and three, is hereby further amended so that it shall be lawful for the joint fish committee of the towns of Nobleboro and Newcastle to control the water and sluiceways at the alewive fishery at Damariscotta Mills from the twentieth day of April to the fifteenth day of July annually; provided that said control in no way interferes with the rights which the Damariscotta Mills Water Power Company now have.

Section 2. This act shall take effect when approved.

Approved March 22, 1905.

Section 3, chapter 50, special laws 1821, as amended by chapter 161, private and special laws 1848, as amended by chapter 171, private laws, 1862, as amended by chapter 413, private laws of 1903, further amended.

--water rights connected with alewive fishery, at Damariscotta Mills, how controlled.

Chapter 364.

An Act to create the Portland Bridge District.

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

Section 1. The territory and people included within the limits of the cities of Portland and South Portland shall constitute a body corporate and politic under the name of the Portland Bridge District, with full authority and power to remove the present bridge, known as Vaughan's bridge, connecting the cities of Portland and South Portland in Cumberland county across that part of Portland harbor known as Fore river, and in place thereof to construct a new bridge across said Portland harbor at the same points where said Vaughan's bridge now crosses, the same to be thereafter maintained as a part of the

Territorial limits of Portland Bridge District.

--may remove Vaughan's bridge.

--and construct new bridge.

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--with
suitable
draw.

--may
construct
approaches.

--may
exercise right
of eminent
domain.

--may
construct
temporary
highway
bridge.

--hearings on
taking of land
notice of,
how given.

--record of
proceedings
shall be kept.

--damages,
appeal from
award.

Width and
construction
of bridge.

--width of
draw.

--may be
built to allow
use of by
electric
railroads.

same highway of which said Vaughan's bridge is now a part, with a suitable draw in the same of sufficient width to accommodate navigation at that point. Said district may construct approaches to each end of said new bridge using so much of the highway and approaches to the present bridge as may be, and shall have authority to acquire by purchase or to take by right of eminent domain upon the payment of reasonable compensation therefor any land outside the present highway, bridge and approaches to the same as may be necessary for the construction of said new bridge and the approaches thereto; and may construct a temporary highway bridge for the use of teams and pedestrians during the construction of said new bridge. The officers of said bridge district hereinafter provided for may exercise the right of eminent domain vested in said district and take land necessary to carry out the purposes of this act after hearing, notice of the date and place of hearing being given by publication in two daily papers published in Portland, for one week at least previous to the time appointed for said hearing; and the clerk of said district shall keep a record of their proceedings and their determination and decision, which shall be signed by a majority of said officers and which shall set forth a description of the land taken and the owners, if known, and the amount of the damage awarded therefor, and upon the signing of said record by said officers they may enter upon the land and take possession for the purposes of this act, and the land so taken shall become a part of the public highway subject to all the limitations and restrictions and uses provided for in chapter twenty-three of the revised statutes. Any person aggrieved by the decision of said officers so far as it relates to damages awarded for lands so taken, shall have the same right of appeal as is provided from the award of damages in laying out streets in the city of Portland under section nine of chapter two hundred and seventy-five of the private and special laws of eighteen hundred and sixty-three.

Section 2. Said new bridge shall be built of such width and materials and in such a manner as the officers of said bridge district shall determine that the interest of the public will best be subserved. There shall be a draw constructed in said bridge, with a clear opening of not less than sixty feet in width in such part and in such a manner as shall meet the requirements of the war department of the United States. Said bridge when completed shall be suitable for all purposes of ordinary travel between said cities, and if said bridge district officers deem it advisable, said bridge may be built so as to allow its use by such

surface railroads operated by electricity as may obtain permission to use the same under the terms of this act.

Section 3. To procure funds for the construction of said bridge including the approaches thereto, and the taking of necessary land therefor, the construction of the dolphins and other necessary and appurtenant structures for the operation of the draw and the convenience of navigation, and the building of a temporary bridge if necessary, and such other expenses as are necessary to carry out the purposes of this act, said bridge district is hereby authorized to issue its notes and bonds, but shall not incur a total indebtedness exceeding the sum of four hundred thousand dollars, said bonds shall be a legal investment for savings banks in the state of Maine. Each bond shall have inscribed upon its face the words 'Portland Bridge District Loan,' and shall bear interest not to exceed four per cent per annum, payable semi-annually. Said bonds may be issued to mature serially or made to run for such periods as said commissioners may determine, but none of which shall run for a longer period than forty years.

Bridge District authorized to issue bonds.

--total indebtedness limited to \$400,000.

--bonds, rate of interest on etc.

Section 4. The officers of said bridge district shall be known as bridge commissioners and shall consist of the mayor and treasurer of the city of Portland, the mayor and treasurer of the city of South Portland and the commissioner of public works of the city of Portland, and their successors in office, until the purposes of this act are fully accomplished, all of whom shall serve without pay. In case of the annexation of the city of South Portland to the city of Portland before the purposes of this act are accomplished and the obligations incurred thereunder are fully paid, the officers of said bridge district shall thereafter consist of the mayor, treasurer and commissioner of public works of the city of Portland, and their successors in office. The term of office of said bridge commissioners shall be co-terminous with their term of office as city officers, and their qualification for their respective city offices shall also qualify them as officers of said bridge district. Said commissioners shall organize as soon as convenient after the passage of this act, and on the first Monday in January each year thereafter by the choice from among their number of a president, treasurer and clerk, who shall perform the duties usually devolving upon such officials. The clerk shall keep a record of all meetings of said commissioners which shall be public records. They may adopt a corporate seal. Said commissioners shall have full charge of the construction of said bridge, and contract in the name of said district for all necessary labor and materials and shall have full authority to carry out all the provisions of this act.

Bridge commissioners, composition of.

--tenure of office of bridge commissioners.

--organization of board of.

--duties of members of board.

--records shall be public records.

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—notes and bonds shall be signed by treasurer and countersigned by president.

All notes or bonds issued by said district shall be signed by the treasurer and countersigned by the president, and if coupon bonds are issued each coupon shall be attested by a fac simile signature of the treasurer and president printed thereon. The treasurer shall keep all funds of the district in such bank or banks as the commissioners may approve and shall give bond to said district in such sum and with such sureties as said commissioners shall approve, which bond shall remain in the custody of the president.

Sinking fund.

Section 5. In case said bonds are made to run for a period of years, a sinking fund shall be established by said commissioners for the purpose of redeeming the bonds issued under this act when they become due, and not less than two per cent of the total cost of the bridge shall be added to said sinking fund each year, which shall be kept invested in safe securities. Whenever any of the bonds issued by said district become due, or can be purchased by said commissioners on favorable terms, said commissioners shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds and cancel them. In case the amount in the sinking fund shall not be sufficient to pay the total amount of bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund, is hereby invested in said district, but in no case shall such new bonds run beyond forty years from the date of the original issue.

—bonds shall not run more than forty years.

Assessments for sinking fund, repairs, maintenance, etc., apportionment of.

Section 6. When said bridge shall have been completed the said bridge commissioners shall annually determine what part of the sum to be paid annually into the sinking fund, or if the bonds authorized by this act shall be issued to mature serially, what part of the amount required each year to meet the bonds falling due, and what part of the sum required each year to meet the interest on said bonds, the maintenance and repair of said bridge and draw and the operation of said draw and other necessary expenses and obligations incurred by said district, shall be assessed on the property in the territory included within the limits of the city of Portland, and what part of said amounts shall be assessed on the property included within the limits of the city of South Portland, the same to be divided between said cities in proportion to their last regular valuation. Each year thereafter before the first day of April the bridge commissioners of said district shall issue their warrant in the same form as the warrant of the state treasurer for state taxes, with proper changes to the assessors of South Portland and to the assessors of Portland

—assessments and collections.

requiring them to assess their respective proportional part of the total sum so determined, and to commit their assessment to the constable or collector of their respective cities who shall have all the authority and powers to collect said tax as is vested by law in them to collect state, county and municipal taxes. On or before the thirty-first day of December of the year in which said tax is so levied, the treasurer of each of said cities shall pay the amount of the tax so assessed to the treasurer of said bridge district. In case of failure on the part of the treasurer of either city to pay in said sum or any part thereof on or before said thirty-first day of December of the year in which said tax is so levied, the treasurer of said bridge district may issue his warrant for the amount of said tax or so much as shall remain unpaid, directed to the sheriff of Cumberland county, requiring him to levy it by distress and sale on real and personal property of any of the inhabitants of the city in which said tax was levied, and the sheriff or either of his deputies shall execute such warrant. Except as otherwise provided herein, the same authority as is vested in county officials for the collection of county taxes under the provisions of chapter ten of the revised statutes, is hereby vested in the officials of said bridge district in relation to the collection of taxes within said district.

—proceedings if assessments are not paid on or before Dec. 1. of year in which tax is levied.

Section 7. If said bridge commissioners shall decide to build said new bridge so that it may be used by surface railroads operated by electricity for purposes of traffic, they may at any time before the obligations imposed by this act are fully paid, enter into an agreement with any surface railroad operated by electricity to permit the use of said bridge by said railroads for purposes of traffic under such terms and for such periods as they may agree upon, the amount paid by said railroads for such privilege shall be used to defray the expense of construction of said bridge or payment of the annual interest on the bonds issued under this act, or be placed in a sinking fund to be then held and invested and the proceeds thereof applied in part payment of said bonds.

Bridge commissioners may make agreement with electric roads.

Section 8. After said bridge shall have been completed the said bridge district shall maintain and keep in repair said new bridge also the draw with all its necessary machinery and appurtenant structures, and operate the same. In case of injury to travelers using said bridge as a highway, said bridge district shall be liable for all injuries resulting from any lack of repair which it is its duty to make under this act, but only under such conditions and limitations and for such amount as towns would

Liability for damages to travelers.

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be liable under section seventy-six of chapter twenty-three of the revised statutes.

Bridge district a quasi municipal corporation.

Section 9. Said district is hereby declared to be a quasi municipal corporation within the meaning of section seventy-six of chapter forty-seven of the revised statutes, and all the provisions of said section shall be applicable thereto.

Incidental powers granted.

Section 10. All incidental powers and privileges necessary to the accomplishing of the various objects herein set forth are granted to the corporation hereby created.

Inconsistent acts repealed.

Section 11. All acts relating to Vaughan's bridge heretofore enacted so far as they are inconsistent herewith, are hereby repealed.

This act shall take effect when accepted by city council of each city named in act.

Section 12. This act shall take full effect when accepted by the city council of each of said cities at special meetings thereof duly called and held for that purpose. This act shall take effect when approved so far as authorizing the city council of said cities to accept the same.

Approved March 23, 1905.

Chapter 365.

An Act to incorporate the Old Town Water District.

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

Territorial limits defined.

Section 1. The territory bounded as follows, and the people within the same, to wit: Begin at the southeast corner of the city of Old Town in the county of Penobscot; thence westward on the south line of said city to the dividing line between the east and west tiers of lots on Marsh's island according to Park Holland's plan of said island; thence northward by said dividing line, being a part of the west line of said city, to the south line of lot numbered six on the west side of said island according to said plan, being a part of the south line of said city; thence following the boundary line of said city westward, southward, northwestward and northward to the south line of the Barker tract; thence eastward by the last named south line to the southeast corner of lot numbered one in the south division of said Barker tract according to plan of A. S. Howard; thence northward by the east line of said lot numbered one to the center line of said Barker tract according to said Howard plan; thence eastward by said center line to the west shore of the Stillwater branch of the Penobscot river; thence