

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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Inconsistent acts repealed.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 All acts relating to Vaughan's bridge heretofore enacted so far as they are inconsistent herewith, are hereby repealed.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

northeastward across said branch to the point of intersection between the east shore of said branch and the north line of lot numbered nineteen on the west side of Marsh's island according to said Holland plan; thence eastward by the last named north line and the north line of lot numbered twenty on the east side of said island according to said Holland plan to the thread of the river between said river and Indian Old Town island; thence southward by the thread of said river to the north line of lot numbered seventeen on the east side of said island according to said Holland plan; thence eastward by the said north line to the east line of said city; thence southward by said east line to the point of beginning; shall constitute a body politic and corporate under the name of the Old Town Water District, for the purpose of supplying the inhabitants of said district and of the town of Milford, Bradley, together with the city of Old Town, with pure water for domestic and municipal purposes.

—purposes.

Section 2. Said district is hereby authorized for the purpose aforesaid to take and hold sufficient water of the Penobscot river and Cold Stream pond in the town of Enfield, and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, or for the preserving of the purity of the water and water shed, and for laying and maintaining aqueducts for taking, discharging and disposing of water. Nothing in this act shall authorize said district to increase the present flowage upon Cold Stream pond.

May take water from Penobscot river and Cold Stream pond.

—may take land for dams, reservoirs, etc.

Section 3. Said district shall be liable for all damages that shall be sustained by any person or corporation in their property by the taking of any land whatsoever, or water, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams or constructing reservoirs. If any person sustaining any damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person shall cause his damage to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in case of damages by the laying out of highways.

Damages for land taken, for flowage, etc.

—damages, how ascertained.

Section 4. Said district is hereby authorized to lay in and through the streets and highways thereof and of said towns of Milford, Orono, Bradley and the city of Old Town, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the object above set forth, and whenever said district shall lay any pipes or aqueducts in any street or highway it shall cause the same to be done with as little obstruction as possible to the public travel, and shall at its own

May lay pipes, etc., in streets of Milford, Orono, Bradley and Old Town.

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expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

Board
of trustees.

Section 5. All the affairs of said water district shall be managed by a board of trustees composed of three members to be chosen by the municipal officers of the city of Old Town, but no member of the city council shall during the term for which he is elected be chosen one of said board of trustees. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the aldermen's room in the city of Old Town, and organize by the election of a president and clerk, adopt a corporate seal, and when necessary may choose a treasurer and all other needful officers and agents for proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for two years and one for three years; and whenever the term of a trustee expires the said municipal officers of the city of Old Town shall appoint a successor for the full term of three years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. The term of office of the trustees shall begin on the first Monday in April. Said trustees may procure an office and incur such expense as may be necessary. Each member shall receive in full compensation for his services an allowance of one hundred dollars per annum.

—organiza-
tion of board
of trustees.

—tenure
of trustees.

—vacancies,
how filled.

May acquire
or take
property and
franchises of
Public Works
Company
within said
district.

Section 6. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purposes, the entire plant, property, franchises, rights and privileges now held by the Public Works Company within said district and said towns including all lands, water, water rights, dams, reservoirs, pipes, machinery, fixtures, tools, and all apparatus and appliances owned by said company and used or usable in supplying water in said district and towns and any other real estate in said district.

Proceedings
for taking
plant,
property and
franchises of
Public Works
Company, as
for public
uses.

Section 7. In case said trustees fail to agree with the said Public Works Company upon the terms of purchase of the above mentioned property, said water district, through its trustees is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said trustees for said water district is hereby authorized to file a petition in the clerk's office of the supreme judicial court for the county of Penob-

scot in term time or in vacation, addressed to any justice of said court, who after notice to said Public Works Company and all parties interested therein, shall after hearing and within thirty days after the filing of said petition appoint three disinterested appraisers, none of whom shall be residents of the said county of Penobscot, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises. The said appraisers shall have the power of compelling attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths; and any witness or person in charge of such books or papers, refusing to attend, or to produce the same, shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. The appraisers so appointed shall after due notice and hearing fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that said Public Works Company shall receive just compensation for the same. The report of said appraisers or a majority of them, shall be filed in the said clerk's office in term time or in vacation within five months after their appointment, and such single justice, or in case of his inability to act, then any justice designated by the chief justice, may, after notice and hearing, confirm or reject the same, or recommit it if justice so requires. The award of the appraisers shall be conclusive as to valuation. Upon the confirmation of said report the court so sitting shall thereupon, after hearing, make final decree upon the entire matter, including the application of the purchase money, discharge of incumbrances, if any, and transfer of the property, jurisdiction over which is hereby conferred with the same power to enforce said decree as in equity cases. Upon the request of either party the justice making such final decree shall make separate findings of law and of fact. All such findings of fact shall be final, but either party aggrieved may take exceptions to any ruling of law so made, the same to be accompanied only by such parts of the case as are necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of parties. They shall be entered at the next term of the law court to be held after the filing of said decree and there heard, unless otherwise agreed or the law court shall

—appoint-
ment of
appraisers.

—power of
appraisers.

—appraisers
after notice
and hearing,
may fix
valuation.

—appraisers
shall file
report.

—award of
appraisers
shall be
conclusive as
to valuation.

—court shall
make final
decree.

—findings of
fact shall
be final.

—exceptions
may be taken
to rulings
of law.

— exceptions
shall be
claimed
within ten
days.

—exceptions
shall be
entered at
next term
of court.

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for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below, or remand the cause for further proceedings as it seems proper. During the pendency of such exceptions the cause shall remain on the docket below marked "law" and decree shall be entered thereon by a single justice in term time or vacation, in accordance with the certificate and opinion of the law court. Before such property and franchises are transferred in accordance with such final decree and before the payment therefor, the court sitting in said county of Penobscot by a single justice thereof as hereinbefore provided, shall, upon motion of either party, after notice and hearing, take account of all receipts and expenditures properly had or incurred by the Public Works Company belonging to the period from and after the filing of said petition, and all the rents and profits accruing thereafter, and shall order the net balance due either party to be added or deducted from the amount to be paid under said final decree, as the case may be. All findings of law or fact by such single justice at such hearing shall be final. On payment or tender by said district of the amount so fixed and the performance of all other terms and conditions so imposed by the court, said entire plant, property and franchises shall become vested in said water district and be free from all liens, mortgages and incumbrances theretofore created by the said Public Works Company.

—cause shall remain on docket marked "law" during pendency of exceptions.

—receipts and expenditures, belonging to period after filing of petition, how adjusted.

Valid existing contracts, shall be assumed and carried out.

Water district may issue bonds.

Section 8. All valid contracts now existing between the Public Works Company and any person or corporation for supplying water within said district and in the towns heretofore mentioned shall upon the transfer of said company's property and franchise to said district be assumed and carried out by the Old Town Water District.

Section 9. For accomplishing the purposes of this act said water district, through its trustees, is authorized to issue its bonds to an amount sufficient to procure funds to pay the expenses incurred in the acquisition of the property of the Public Works Company, and the purchase thereof and for the construction of said district's system and to secure a new source of water supply or the improvement of the present supply. Said bonds shall be a legal obligation of said water district, which is hereby declared to be a quasi municipal corporation within the meaning of section ninety-six, chapter forty-eight of the revised statutes, and all the provisions of said section shall be applicable thereto. Said bonds shall be a legal investment for savings banks.

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Section 10. All individuals, firms, and corporations, whether private, public or municipal, shall pay to the treasurer of said water district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district. Said rates shall be so established to provide revenue for the following purposes:

Board of trustees may establish uniform rates.

I. To pay the current running expenses for maintaining the water system and to provide for such extensions and renewals as may become necessary.

--to pay current expenses.

II. To provide for payment of interest on the indebtedness of the district.

--to provide for payment of interest;

III. To provide each year a sum equal to not less than one nor more than five per cent of the entire indebtedness of the district, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district, or invested in such securities as savings banks are allowed to hold.

--to provide for a sinking fund.

Section 11. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Incidental powers granted.

Section 12. This act shall take effect when approved by a majority vote of the legal voters within said district, voting at an election specially called and held for the purpose, by the municipal officers of the city of Old Town, to be held at the voting places in each ward in said city; the date of holding said election to be determined by said municipal officers, upon the written request of twenty legal voters in said district. The board of registration shall make and provide a separate check list for such voters within wards four and five of said city as are then legal voters of said city, and all warrants issued to said wards shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare nor the city clerk to post a new list of voters; and for this purpose said board of registration shall be in session on the three secular days next preceding said election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up its records of said sessions. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Old Town Water District be accepted?" and the

This act shall take effect when approved by voters within district.

--date of holding election, how determined.

--special election, how called, advertised and conducted.

--form of question to be voted on.

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—method
of voting.

voters shall indicate by a cross placed against the words 'yes' or 'no' their opinion of the same. The result shall be declared by the mayor and aldermen and due certificate thereof filed with the secretary of state by the clerk of said city. This act shall take effect when approved by the governor so far as necessary to empower the calling and holding of such election.

Sections 2, 3
and 4 of
this act
inoperative
unless said
water district
acquire
franchises of
Public Works
Co. within its
own limits.

Section 13. Sections two, three and four of this act shall be inoperative, null and void, unless said water district shall first acquire by purchase, or by the exercise of the right of eminent domain as in this act provided, the plant, property and franchise, rights and privileges now held by the Public Works Company within said district and said towns of Milford, Bradley and said city of Old Town.

Costs and
expenses,
how paid and
borne.

Section 14. All costs and expenses arising under the provisions of this act shall be paid and borne as follows: All costs and expenses arising under or by reason of the call for special election provided for in section twelve, shall be paid and borne by the city of Old Town and all other costs and expenses shall be borne and paid as directed by the court in the final decree.

Approved March 23, 1905.

Chapter 366.

An Act to organize the Plantation of Sandy River, in the county of Franklin, State of Maine.

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

Sandy River
plantation
organized.

Section 1. Township number two, range one, west of Bingham's Kennebec purchase, in the county of Franklin, state of Maine, bounded as follows, north by Dallas plantation; east by Madrid; south by Letter E, and west by Rangeley plantation, is hereby organized into a plantation to be known as Sandy River Plantation, and is hereby invested with all the powers and privileges, and subjected to all the duties and obligations incident to other plantations.

Existing
plantation,
organization
of, made
valid.

Section 2. The organization of the existing plantation of this name is hereby confirmed and made valid; and the first annual meeting called by the assessors thereof, after the passage of this act, shall be the first meeting of the plantation hereby organized; and the present officers of said plantation are hereby confirmed and their election made valid.

Section 3. This act shall take effect when approved.

Approved March 23, 1905.