

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

pendency of said proceedings any land owner in said water shed may be admitted as a party and under the direction of the court, such land owners may organize a corporation, following the procedure of chapter forty-seven of the revised statutes, to take title as aforesaid to such properties and the decrees aforesaid may be varied accordingly. All findings of law and fact by such single justice shall be final.

Section 9. If said Allagash Improvement Company shall abandon or fail to use said dams or improvements, or any of them for four consecutive years, all the title of said company to said dams or improvements, so abandoned or not used, shall thereupon terminate and revert to the owners of the lands in which said dams and improvements lie, without expense to said land owners.

Failure to
use dams,
etc., for
four years.

Section 10. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 168.

An Act to incorporate the Weld Water Company.

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

Section 1. C. G. Dummer, J. S. Houghton, R. E. Scamman, W. H. Woodward, R. G. Dummer, F. S. Schofield, A. D. Russell, and John A. Decker of Weld, with their associates and successors, be and are hereby made a corporation under the name of the Weld Water Company, for the purpose of supplying the inhabitants of the town of Weld with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Corporators.

—corporate
name.

—purposes.

Section 2. The place of business of said corporation shall be at Weld in the county of Franklin and state of Maine.

Location.

Section 3. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook or other waters in the town of Weld, to conduct and distribute the same into and through the said town of Weld; and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

May take
water.

—maintain
dams, etc.

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May lay
pipes.

—may cross
any public
or private
sewer.

—liability.

May lay
pipes over,
under and
along high-
ways, etc.

—responsible
for all
damages.

Shall not
cause unnec-
essary delay
to public
travel.

May take
land for
flowage, etc.

May do any
necessary
act.

—make
surveys.

—shall file
plan of
location in
registry of
deeds.

Damages,
how deter-

Section 4. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the town of Weld, and to build and maintain all necessary structures therefor, at such places as shall be necessary for the said purposes of said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purpose of incorporation, but in such a manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused hereby.

Section 5. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges in the said town, and to take up, replace and repair, all such aqueducts, sluices, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the said town may impose; and the said corporation shall be responsible for all damage to the said town, and to all corporations, persons and property, occasioned by such use of the highway, ways and streets.

Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration 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 pavement then removed by it, to be placed in proper condition.

Section 6. The said corporation is hereby authorized to take and hold by purchase or otherwise any land necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipes, and other necessary structures or fixtures in, over and through such land for such location, construction and erection.

And in general to do any act necessary, convenient or proper for carrying out any of the said purposes of incorporation. It may enter upon such land to make surveys and locations, and shall file in the registry of deeds in the county of Franklin, plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by more than one line of pipe or aqueduct.

Section 7. Should the said corporation and the owner of such land be unable to agree upon the damages to be paid for such

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mined in
case of dis-
agreement.

location, taking, holding, flowing and construction, the land owner or said corporation may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Franklin, and cause such damages to be assessed in the same manner and under the same conditions as are prescribed by law in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said corporation 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 the said corporation shall forfeit all rights under the same as against such land owner. In case the said corporation shall begin to occupy such land before the rendition of final judgment the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve, conditioned for said judgment or deposits. No action shall be brought against the said corporation for such taking, holding and occupation until after such failure to pay or deposit as aforesaid.

Section 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damage assessed in the same 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 expiration of the time of payment and a tender by said company may be made with the same effect as in the preceding section.

How dam-
ages may be
assessed.

Section 9. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Franklin, the town of Weld and with any village corporation in the said town, and with the inhabitants thereof, or any corporation doing business therein, for the supply of water for any and all the purposes contemplated in this act; and the said town and any village corporation in the said town by their proper officers, are hereby authorized to enter into any contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said town, village corporation, and the said corporation may agree upon, which when made, shall be legal and binding upon all parties thereto.

May make
contracts for
supplying
water.

Section 10. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen

Penalty for
corrupting
water, or

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injuring
works.

or not, or in any way render such water impure, or whoever shall wilfully or maliciously injure any of the works of the said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Capital
stock.

Section 11. The capital stock of the said corporation shall be twenty-five thousand dollars, which may be increased to any sum not exceeding fifty thousand dollars, by a majority vote of the stockholders of the said corporation; and the stock shall be divided into shares of fifty dollars each.

May hold
real estate.

Section 12. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding fifty thousand dollars.

May issue
bonds and
mortgage
property.

Section 13. The said corporation 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 its capital stock subscribed for, and secure the same by mortgage of its franchise and property.

First meet-
ing, how
called.

Section 14. The first meeting of the corporation shall be called by a written notice therefor, signed by any two of the named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Franklin.

After twenty
years, town
of Weld may
purchase
water works.

Section 15. At any time after twenty years from the date of the approval of this act the town of Weld, or any village corporation within the limits of said town of Weld, if its inhabitants shall so vote, by a two-thirds vote, at a legal meeting called therefor, shall have the right to purchase the system of water works constructed by this company in said town for supplying said town and the inhabitants thereof, together with the franchises of this company relating thereto, at a price to be agreed upon between said company and said town or village corporation; and if such price cannot be agreed upon, then at a price, which shall be determined by a commission of three competent and disinterested men, one of whom shall be selected by said company, one by said town of Weld, or by said village corporation, and the third by the two so selected if they can agree, if not, then by the chief justice of the supreme judicial court of Maine. The award of said commissioners, not less than cost, shall be binding upon said company and said town, or village corporation, and said town or village corporation shall pay the amount of said award for said system of water works and franchises within ninety

days from the date when such award shall be rendered. The costs of said commission shall be borne equally by the said company and said town or village corporation.

Section 16. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 169.

An Act to incorporate the Little Madawaska Improvement Company.

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

Section 1. Charles A. Milliken, M. P. Milliken, Albert A. Burleigh, M. J. Mitchell and Fred N. Vose, their associates, successors and assigns are hereby created a corporation by the name of the Little Madawaska Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said company is hereby authorized to erect and maintain dams, side dams and piers, sluices, embankments and other similar improvements on the Little Madawaska river and its tributaries as follows:

May maintain dams, etc.

On said river in the town of Caribou, near the mouth of said river, in the town of New Sweden, in Connor plantation, in Stockholm plantation, in Westmanland plantation near the outlet of Little Madawaska lake, and also on what is known as the south branch of said river emptying into same near the outlet of Little Madawaska lake; and on its tributaries as follows: On Halfway Branch in Connor plantation and Stockholm plantation, on Armstrong branch in said Stockholm plantation, on Cary branch leading into Little Madawaska lake in township number sixteen in the fourth range and on McClusky Branch leading into said lake in Westmanland plantation and township number sixteen in the fourth range in the county of Aroostook; to remove rocks, trees and other obstructions and to excavate therefrom, and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making such river and its tributaries floatable and of facilitating the driving of logs and lumber upon the same.

—may remove obstructions.

Section 3. Said company, for the above purposes, may take all necessary land and materials for building said dams and piers and making improvements and may flow contiguous lands, so far as necessary, to raise suitable heads of water, and if the parties cannot agree upon damages, the corporation shall pay the proprietors for the land and materials so taken; such damages shall be ascertained and determined by the county commissioners of

May take land.

—damages, how determined.