

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.

Chapter 176.

An Act to regulate fishing in Bartlett's and Cook's brook, so called, in the County of York.

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

Section 1. It shall be unlawful to fish for, take, catch or kill any kind of fish at any time in Bartlett's and Cook's brook, so-called, from and beginning at its source, the outlet of Bartlett pond, situated in the towns of Lyman and Waterboro, and all its tributaries, to and as far as C. F. Clark and Son's mill pond, for a period of three years.

Fishing in
Bartlett's
and Cook's
brook,
regulated.

Section 2. Whoever violates any of the provisions of this act shall be subject to a penalty of not less than ten dollars nor more than thirty dollars and a further penalty of one dollar for each fish taken, caught, killed or had in possession in violation of this act.

Penalty for
violation of
this act.

Section 3. Provided, further, that this act shall not take effect until the commissioners of inland fisheries and game, without expense to the state, have caused notices to be posted in conspicuous places at or near the waters herein described setting forth in substance the provisions of this act.

Proviso.

Approved March 6, 1907.

Chapter 177.

An Act to incorporate the Northern Water Company.

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

Section 1. Garrett Schenck, A. Ledyard Smith and H. S. Ferguson, or such of them as may by vote accept this act, together with their associates, successors, or assigns, are hereby made a corporation by the name of the Northern Water Company, for the purpose of supplying the inhabitants of township A, range seven, in the county of Penobscot, and any municipality or corporation located within the limits of said township, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fire, with all the incidental powers, rights and privileges necessary and convenient for the accomplishment of the purpose above set forth, and said corporation shall possess all the powers, privileges and immunities and be subject to all the duties, obligations, regulations, restrictions, liabilities and penalties now or hereafter provided by the public laws of the state, relating to similar corporations.

Corporators.

—corporate
name.

—purposes.

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May take
water.

Section 2. The said corporation, for the purposes of its incorporation, is hereby authorized to take, collect, detain, hold, store, divert, use and distribute the water from any spring, pond, stream, river or other source of water supply in township A, range seven, in the county of Penobscot, and may take and hold by purchase, lease or otherwise such real and personal estate as may be necessary and convenient for its purposes.

May lay
pipes along
highways
and water
courses.

Section 3. The said corporation is hereby authorized to survey for, locate, lay, construct and maintain in, under, through, along, over and across any water course, stream, river, street, highway or other way, railroad and bridge in said township A, such aqueducts, pipes, hydrants and other structures and appurtenances as may be necessary and convenient for the said purposes of the said corporation, and to take up, replace and repair the same; and said corporation shall be responsible for all damages to the said township and to all corporations, persons and property, occasioned by such use of said highways, ways and streets. Whenever the said corporation shall lay down, construct or repair any fixtures 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 removed by it, to be replaced in proper condition.

—responsible
for all
damages.

—shall not
unnecessa-
rily obstruct
public travel.

May take
lands for
flowage,
dams, etc.

Section 4. The said corporation is hereby authorized to take and hold, by purchase or otherwise, any lands necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, lines of pipe, hydrants and other necessary structures or fixtures in, over and through any land for the said purposes, and excavate in and through such lands for such location, construction and erection. And in general to do any acts necessary, convenient or proper, for carrying out any of the said purposes of said corporation. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for the county of Penobscot, plans of such locations 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.

—may enter
on lands for
locations
and shall
file plans of
locations.

Damages,
how
assessed.

Section 5. Should the said corporation and the owner of any land required for the said purposes of said corporation, be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may within twelve months after the said filing of plans or location, apply to the commissioners of said county of Penobscot, and cause such damages to be assessed in the same manner and under the same con-

ditions, as are prescribed by law in the case of damages by the laying out of railroads. If the said corporation shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sums as may be finally awarded as damages, with cost when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of the said county, the said location shall be thereby invalid and the said corporation shall forfeit all rights under the same, as against the owner of the land. The said corporation may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than was tendered him by the said corporation, he shall recover costs, otherwise the said corporation shall recover costs. 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 the payment of the damages that may be awarded. 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. Failure to apply for damages within the said twelve months shall be held to be a waiver of the same.

Section 6. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Penobscot, township A, range seven, and with the inhabitants of said township or any corporations doing business therein for the supply of water for the purposes contemplated in this act; and the said township by its proper officers is hereby authorized to enter into contract with the said Northern Water Company for a supply of water for any and all purposes mentioned in this act, and for such exemptions from public burdens as said township A and the said Northern Water Company may agree upon, which, when made, shall be legal and binding upon all parties thereto.

May make
contracts
to supply
water.

Section 7. The capital stock of the said Northern Water Company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each.

Capital
stock.

Section 8. The said water 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, not to exceed the amount of the capital stock subscribed for, and secure the same by mortgage of its franchise and property.

May issue
bonds.

Section 9. The first meeting of the said company may be called by either of the incorporators named in section one of

First meet-
ing, how
called,

CHAP. 178

this act, by a written notice signed by him stating the time, place and purpose of the meeting and sent by mail to each incorporator at least seven days before the said first meeting.

Section 10. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 178.

An Act to amend the charter of the Caribou Water, Light and Power Company.

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

Charter
amended.

Section 1. The Caribou Water, Light and Power Company is hereby authorized and empowered to erect and maintain such booms and piers as may be necessary and effectual for the holding of logs, railroad sleepers and other lumber in Aroostook river in the part thereof constituting the pond made by its existing dam betwixt said dam and the mouth of Hall brook, so called. Said piers and booms shall be built and maintained so as not to interfere with the reasonable and suitable passage through said pond of logs, lumber, rafts and boats.

Legislature,
consent of,
required.

Section 2. No other piers or booms shall be erected in said pond without the consent of the legislature. The said company, its successors, assigns and licensees shall have the exclusive right and privilege of driving, sorting and holding logs within the enclosure of said booms and piers.

Section 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

Section 4. This act shall take effect when approved.

Approved March 6, 1907.

Chapter 179.

An Act to change the name of Widow's Island.

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

Widow's
island, name
changed.

Section 1. The name of Widow's island, located in the Fox islands thoroughfare, Penobscot bay, is hereby changed and shall hereafter be known and designated as Chase island.

Section 2. This act shall take effect when approved.

Approved March 6, 1907.