

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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Published by the Secretary of State, agreeably to Resolves of  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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said Castine Water Company, and the determination of said engineer shall be final.'

Section 3. For the purposes aforesaid said town is hereby authorized to take and use water from any pond or lake in said town of Castine, to conduct and distribute the same into and through the said town, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any water course, bridge, street, highway or other way; and said town is further authorized to enter upon and excavate any highway or other way in such manner at least to obstruct the same, to enter, pass over and excavate any land and to take and to acquire by purchase or by the exercise of the right of eminent domain, any rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. And said town is further authorized, for the purpose of making all needed repairs, or service connections, to lay its pipes through any public or private lands or ways, with the rights to enter upon the same and dig therein, and said town may establish written regulations for the use of said water.

Approved March 24, 1909.

Authorized to take water from any water source in town of Castine, and distribute the same in said town.  
 —maintain dams and reservoirs, etc.  
 —may lay pipes over or under water course, street, bridge, etc.  
 —enter upon and excavate any highway, but shall not obstruct same.  
 —enter on land.  
 —acquire by purchase or by right of eminent domain rights of way or of water.  
 —lay pipes through public or private lands or ways.

**Chapter 309.**

An Act to incorporate the Brewer Water Company.

*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Leon F. Higgins, Charles A. Harlow, William B. Snow, Frank A. Floyd, Albert G. Dole, John E. Littlefield, Albert A. Kenney, Frank H. Nickerson, Calvin P. Thomas, George W. Patten, Edward B. Burr, Charles H. Small, Lyman B. Currier and George H. Reed, their associates, successors and assigns, are hereby made a corporation by the name of the Brewer Water Company, for the purpose of supplying the inhabitants of Brewer and the towns of Veazie, Orrington, Eddington and Holden, and all said municipalities with pure water for domestic, sanitary, and municipal purposes.

Corporators.

—corporate name.

—purposes.

Section 2. Said company, for said purposes, may retain, collect, take, store, use, and distribute the waters of the following ponds: Hopkins pond, Parks pond, and Fitz pond, in the town of Clifton; Hatcase pond in the town of Dedham; and may locate, construct, and maintain cribs, reservoirs,

May take and store water and distribute same.

—maintain reservoirs,

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aqueducts,  
etc.

May lay  
pipes in,  
under,  
along and  
across  
streets of  
towns of  
Clifton,  
Dedham,  
Orrington,  
Eddington,  
Holden,  
and Veazie,  
and City  
of Brewer,  
and take  
up, replace,  
and repair  
same.

—under res-  
trictions of  
selectmen.  
—proviso.

—may cross  
location  
of any  
railroad,  
under  
supervision  
of chief  
engineer of  
railroad  
company.

—responsible  
for all  
damages to  
persons  
and  
property.

May cross  
any river,  
stream,  
water  
course,  
private  
and pub-  
lic sewer,  
may change  
direction  
of sewers,  
but shall  
not ob-  
struct same.

aqueducts, gates, pipes, hydrants, and all necessary structures therefor.

Section 3. Said company is hereby authorized to lay, construct, and maintain, in, under, through, along and across the streets and highways of the towns of Clifton, Dedham, Orrington, Eddington, Holden and Veazie, and of the city of Brewer, and to take up, replace, and repair all sluices, aqueducts, pipes, hydrants, and structures as may be necessary for the purposes of its incorporation, so as not unreasonably to obstruct the same, under such reasonable restrictions and conditions as the selectmen of such towns may impose. Provided, however that the rights to lay, construct and maintain in, under, through, along and across the streets and highways of the city of Brewer, all sluices, aqueducts, pipes, hydrants and structures as provided herein, shall not obtain until consent thereto is given said Brewer Water Company by the municipal officers of said city of Brewer. This provision, however, is not to apply to any subsequent laying, constructing and maintaining in, under, through, along and across the streets and highways of said city of Brewer of all sluices, aqueducts, pipes, hydrants and structures as before provided after consent by said municipal officers to said Brewer Water Company has once been given, to lay, construct and maintain in, under, through, along and across the streets and highways of the city of Brewer all sluices, aqueducts, pipes, hydrants and structures as above provided. Said company is hereby authorized to lay, construct, and maintain its pipes across the location of any railroad, and all work within the limits of the railroad location shall be done under the supervision and to the reasonable satisfaction of the chief engineer of the railroad company. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways, and streets, and shall further be liable to pay to said towns all sums recovered against said towns for obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said company shall have notice of such and opportunity to defend the same.

Section 4. Said company shall have power to cross any river, stream, or water course, private and public sewer or to change the direction of such sewers when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. Whenever said company shall lay down any fixture in any highway, way, or street, or make any

alterations 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 pavements there removed by it to be replaced in proper condition.

—shall not abstract public travel.

Section 5. Said company may take and hold any waters as limited in section two and also any lands necessary for dams, power, reservoirs, and other necessary structures, and may locate, lay, and maintain aqueducts, pipes, hydrants, and other necessary structures and fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for the county in which such lands lie, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper published in said county, such publication to be continued three weeks successively. Not more than one rod in width of land shall be occupied by any one line of pipe or aqueduct.

May take and hold any waters as limited by Section 2, and necessary lands for dams, etc.  
—lay pipes, etc., through any lands.  
—may enter on lands to make surveys.  
—shall file plans in registry of deeds of property taken, and publish notice of such filing.

Section 6. Should the said company and the owner of such land so taken be unable to agree upon the damages to be paid for such location, taking, holding, and construction, the damages shall be assessed in accordance with the law applicable to the assessment of damages for ways taken by railroads, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners of the county where the land is located, such sums 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 thereby be rendered invalid, and said company shall forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered him by said company, he shall recover cost; otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with the county commissioners of the county in which the land lies, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding, and occupation until after such fail-

Damages, how assessed if parties cannot agree.

—if company shall fail to pay within 90 days, damages as awarded, location shall be rendered invalid and rights forfeited.

—company may make tender for damages.

—land owner may require company to file bond.

ure to pay or deposit as aforesaid. Failure to apply for damages with three years by the land owner shall be held to be a waiver of the same.

Author-  
ized to ac-  
quire prop-  
erty of  
similar ex-  
isting cor-  
poration  
located or  
doing busi-  
ness in  
said towns.

Section 7. This corporation is hereby authorized to acquire and hold by purchase, or otherwise, all the property, rights, privileges, immunities and franchise of any similar existing corporation located or doing a similar business in said Brewer or said towns of Orrington, Eddington, Veazie, Holden and Bucksport, organized for similar purposes, upon such terms as may be agreed upon by said corporations, and upon such purchase and transfer said corporation so purchasing shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchises, property and estate which at the time of such purchase and transfer shall then be had, held, possessed, exercised and enjoyed by said corporation so selling, and to purchase and hold the capital stock and bonds of any such corporations. Provided, however, that nothing herein shall be construed, as giving to said Brewer Water Company any locations for its sluices, aqueducts, pipes, hydrants or other structures in, under, through, along and across the streets and highways of the city of Brewer, which may be held, possessed or exercised by any such corporation so selling, at the time of such purchase or transfer, except by and with the consent of the municipal officers of the city of Brewer as provided in section three of this act.

—proviso.

Author-  
ized to  
contract  
for supply-  
ing water.

Section 8. Said company is hereby authorized to make contracts with corporations, and inhabitants of said city of Brewer and the towns of Orrington, Eddington, Holden and Veazie, or any village corporation therein, for the purpose of supplying water as contemplated by this act; and said city by its common council, said towns by their selectmen, or such village corporation by its assessors, are hereby authorized to enter into contracts with said company for a supply of water for public uses, on such terms and for such time as the parties may agree, which, when made, shall be legal and binding on all parties thereto, and said towns for this purpose may raise money as for other town charges. In case this company shall acquire the property and franchise of any existing company supplying water in any of said municipalities, it shall assume and carry out the existing contracts between said company and any of said municipalities.

—shall  
carry out  
existing  
contracts.

Capital  
stock.

Section 9. The capital stock of said company shall be five hundred thousand dollars, and said stock shall be divided into shares of one hundred dollars each.

Section 10. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding one million dollars.

May hold real and personal estate.

Section 11. Said company may issue its bonds for the purchase of or for the construction of its works, or the capital stock or bonds of any other similar corporation doing business in any of said municipalities; said company may issue its bonds, of any and all kinds upon such rates and time as it may deem expedient, to any amount not to exceed in all the capital stock of said corporation, and secure the same by mortgage or mortgages of the franchise and property of said company.

May issue bonds and mortgage property.

Section 12. The first meeting of said company may be called by a written notice thereof, signed by any corporator herein named, served upon each corporator by giving him the same in hand, or by leaving the same at his last usual place of abode, seven days before the time of meeting.

First meeting, how called.

Section 13. This act shall become null and void in two years from the day when the same shall take effect, unless said company shall have organized and commenced actual business under this charter; and shall become null and void in case the territory and the people within the city of Brewer shall, at the present term of the legislature, become incorporated as a public municipal corporation for the purpose of supplying the said Brewer and the said towns of Veazie, Orrington, Eddington and Holden with pure water for domestic, sanitary, and municipal purposes, which act shall be accepted and approved by a majority vote of the legal voters of the city of Brewer voting at the election to be specially called and held for the purpose, on the second Monday of August, nineteen hundred and nine, as provided for in said act incorporating said Brewer Water District. This corporation shall exercise no rights hereunder in said Brewer or said Veazie until such a time as it shall acquire the property and franchises of the Public Works Corporation or its successors or assigns so far as the same pertain to the purposes of this corporation.

Act shall become null and void in 2 years unless company shall have commenced actual business, and in case the territory and people within city of Brewer become incorporated at present term of legislature. —shall exercise no rights in Brewer or Veazie until property of Public Works Corporation has been acquired.

Section 14. The said Public Works Corporation, its successors or assigns, or other companies referred to in section seven of this act are hereby authorized to sell and transfer their respective franchises and property in said district or said towns to said water company, as provided in said section seven.

Public Works Corporation authorized to transfer property.

Section 15. Any person, firm, or corporation existing in any of said municipalities, or carrying on therein the business of supplying water for municipal, sanitary, or domestic purposes, including the extinguishment of fire, is hereby author-

Any person firm or corporation existing in said towns, or carrying



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on business of supplying water, may transfer property, etc., to this corporation. Authorized to furnish water to Orono Water Co., and connect with its mains.

After ten years, public municipal corporation within limits of said city and towns may take over works of Brewer Water Co.

—if parties cannot agree, price to be determined by a commission.  
—appointment of commission.

—award shall be binding.

—cost of commission, how paid.

Company shall extend its service within the limits of city of Brewer.

ized to sell and transfer its property and franchises, rights, and privileges, capital stock and bonds to this corporation, subject to all existing contracts and obligations, to such municipalities as it is doing business in.

Section 16. This corporation is also hereby authorized to sell and furnish water to and for the Orono Water Company and to connect with its water mains for the said purpose in the said town of Eddington, and said Orono Water Company is hereby authorized to contract with this corporation for the same.

Section 17. At any time after ten years from the time when this act shall take effect the city of Brewer or any water district, a public municipal corporation within the limits of said city of Brewer or within the limits of said city of Brewer and the towns of Veazie, Orrington, Eddington and Holden, or within the limits of said city of Brewer and any one or more of said towns, if the inhabitants of said city or such municipal corporation shall so vote at any general election or at any election especially called for that purpose, shall have the right to purchase the system of water works constructed by the Brewer Water Company, together with its franchises, rights, powers and privileges, at a price to be agreed upon between said company and said city or said municipal corporation; and if such price cannot be agreed upon then at a price to be determined by a commission of three competent and disinterested men who shall be appointed by any justice of the supreme judicial court of the state of Maine, on petition therefor by the municipal officers of the said city of Brewer or by said municipal corporation. The award of said commissioners shall be binding upon said Brewer Water Company and said city or municipal corporation, and said city or said municipal corporation shall pay the amount of such award for said system of water works and franchises within six months from the date when such award shall be rendered. The cost of said commission shall be borne equally by the said company and said city or municipal corporation.

Section 18. Said Brewer Water Company, after consent thereto has been given to said company by the municipal officers of the city of Brewer to lay, construct and maintain in, under, through, along and across the streets and highways of said city of Brewer all sluices, aqueducts, pipes, hydrants and structures as hereinbefore provided, when petition therefor is filed with said company by twenty or more inhabitants of said city of Brewer, shall extend its service within the limits of said city of Brewer and within reasonable distance

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of its pipes or aqueducts as then laid in said city of Brewer, to any inhabitant or inhabitants of said city not then receiving water service from said company. Provided, however, that if said Brewer Water Company shall neglect or refuse to extend said water service as aforesaid, on petition of twenty or more inhabitants of said city of Brewer or on petition of said Brewer Water Company the city council of said city of Brewer after notice and hearing shall determine whether or not said service shall be extended as aforesaid.

—proviso.

If said city council shall determine that said water service shall be so extended, then said Brewer Water Company shall forthwith make said extension of water service.

Approved March 24, 1909.

**Chapter 310.**

An Act to make valid the organization of the Rice Public Library of Kittery, Maine, organized under Chapter fifty-seven of the Revised Statutes in the year nineteen hundred and three.

*Be it enacted by the People of the State of Maine, as follows:*

The organization of the Rice Public Library in Kittery, Maine, under chapter fifty-seven of the revised statutes, in the year of our Lord one thousand nine hundred and three, is hereby made valid and all its past acts are hereby made valid and legal.

Organiza-  
tion, and  
acts and  
doings  
made  
valid.

Approved March 24, 1909.

**Chapter 311.**

An Act to make valid the organization of the Monument or Memorial Association in Eliot, Maine, organized under Chapter fifty-seven of the Revised Statutes, November ninth, nineteen hundred and five.

*Be it enacted by the People of the State of Maine, as follows:*

The organization of the Monument or Memorial Association in Eliot, Maine, under chapter fifty-seven of the revised statutes, November ninth, in the year of our Lord, nineteen hundred and five, is hereby made valid and all its past acts and doings are hereby made valid and legal.

Organiza-  
tion, and  
acts and  
doings  
made  
valid.

Approved March 24, 1909.