

# 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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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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## CHAP. 315

empowered to maintain and control a wharf, erected by them, or by their predecessors and by them conveyed to said steamboat company, commencing at the southerly end of Lake street, in Rangeley village in the town of Rangeley in the county of Franklin, and extending into the water of Rangeley lake at a sufficient length and width to allow the landing of boats and steamers. Also to maintain and control a wharf, erected by them, or by their predecessors and by them conveyed to said steamboat company, near the foot of Rangeley lake in the town of Rangeley aforesaid, commencing at the end of the road leading from Haines Landing to Rangeley Outlet wharf, and extending into the water of Rangeley lake at a sufficient length and width to allow the landing of boats and steamers.

Location, maintenance and control of wharves already constructed, ratified and confirmed.

Section 2. The location, erection, maintenance and control of any wharves located and described as aforesaid already constructed, before the approval of this act, by the said Rangeley Lakes Steamboat Company or its predecessors are hereby legalized, ratified and confirmed and the said Rangeley Lakes Steamboat Company, its successors and assigns, are hereby authorized to maintain and control such wharves.

This act does not exclude private individuals and boats from use of said wharves.

Section 3. This act gives said steamboat company no authority to exclude parties not doing business for hire from the use of said wharves and said steamboat company shall designate such reasonable portion of said wharves, as will not interfere with their own use of them, for the use of private boats and individuals.

Approved March 26, 1909.

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### Chapter 315.

An Act to incorporate the Penobscot Bay Water Company.

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

Corporators.  
—corporate name.  
—purposes.

Section 1. W. T. Haines, E. H. Gowing, John J. Moore, their associates, successors and assigns, are hereby made a corporation by the name of the Penobscot Bay Water Company, for the purpose of supplying the towns of Searsport, Stockton Springs, and the city of Belfast, all in the county of Waldo, and the inhabitants of said municipalities with pure water for domestic, sanitary, and municipal purposes, including the extinguishment of fires.

May take and store water.

Section 2. Said company for said purposes, may retain, collect, take, store, use and distribute water from springs, except such springs as are in actual use for domestic purposes, ponds, streams, and other water sources, in said Searsport, except

Goose pond and its outlet situated in the towns of Searsport, Frankfort and Swanville, or from Boyd's pond, in the town of Stockton Springs, and Prospect, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

—May maintain reservoirs, aqueducts, etc.,

Section 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said municipalities, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the municipal officers of said municipalities may impose. 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 municipalities for damages 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 suits and opportunity to defend the same.

May lay pipes in streets and cross bridges and railroads.  
—take up replace and repair same.

—shall be responsible for all damages.

Section 4. Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof 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.

May cross but shall not impair water courses, etc.

—shall not unnecessarily obstruct streets.

Section 5. Said company may take and hold any waters as limited in section two and also any lands necessary for reservoirs, and other necessary structures, may locate, lay and maintain aqueducts, pipes, hydrants and other necessary structures or 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 location and shall file in the registry of deeds for said county of Waldo, plans of such location 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. Not

May take and hold waters as limited in Sec. 2, and necessary lands, etc.  
—May lay pipes, etc., in and through lands.  
—May enter on lands and make surveys, and shall file plans of same in registry of deeds.

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—publish notice of such filing.

Damages, how assessed if parties fail to agree.

—location invalid and all rights forfeited, if company fail to pay award within 90 days.

—tender to land owner for damages.

—may require company to file bonds.

—waiver.

Damages for taking water, how assessed.

May contract for supplying water.

more than one rod in width of land shall be occupied by any one line of pipe or aqueduct.

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 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 said company 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 costs, 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 said county commissioners, in such sum and for such sureties as they approve, conditioned for said payment or deposit. No notice shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within three years by the land owner, shall be held to be a waiver of the same.

Section 7. Any person suffering damages by the taking of water by said company as provided by this act, may have his damages assessed in the 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 the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said municipalities or any village corporation therein for the purposes of supplying water as contemplated by this act; and said municipalities by their selectmen, or any village corporation by its assessors, and said city by its city council, is hereby authorized to enter into contract 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 municipalities for this purpose may raise money in the same manner as for other municipal charges.

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.

Capital stock,

Section 10. Said company for all of its said purposes, may hold all real estate and personal estate necessary and convenient therefor.

May hold real and personal estate.

Section 11. Said 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, to an amount not exceeding in all the capital stock of said corporation subscribed for, and secure the same by mortgage or mortgages of the franchise and property of said company.

May issue bonds and mortgage property.

Section 12. Said corporation is further authorized to purchase or lease the property, capital stock, bonds, rights, privileges, immunities and franchises of the Searsport Water Company of Searsport, Maine, of the Stockton Springs Water Company of Stockton Springs, Maine, and the Belfast Water Company of Belfast, Maine, upon such terms as may be mutually agreed upon. And upon such purchase or lease this corporation shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, immunities, franchises, property and assets, which at the time of such transfers shall then be had, held and possessed or enjoyed by any of said water companies, and shall be subject to all the duties, restrictions and liabilities to which any of said companies shall then be subject by reason of any charter, contract, mortgages or other obligations or by any general or special law required. And the said Searsport Water Company or Stockton Springs Water Company or Belfast Water Company are each and severally hereby authorized to sell or lease its property, capital stock, bonds, rights, privileges, immunities and franchises to this corporation upon such terms as may be mutually agreed upon, but such sale or lease made by any of such water companies to this corporation shall be made subject to all the outstanding obligations and liabilities and contracts of each of said water companies. And any mortgage which this corporation may make of its franchise and property to secure any bonds or other liability or indebtedness shall be subject to all outstanding bonds or other indebtedness against any of said water companies existing at the time, and this corporation is hereby authorized to issue its stock and bonds in payment or exchange for the stock and bonds, franchises and property of any of the said water companies in such

May purchase or lease property of Searsport Water Co., Stockton Springs Water Co., and Belfast Water Co.

—mortgage.

—may issue stock and bonds.

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manner and for such amount as may be mutually agreed upon between this corporation and any of said water companies or the stockholders thereof.

When franchise shall take effect in city of Belfast.

Section 13. The franchise granted by this act shall not take effect in the city of Belfast until said Penobscot Bay Water Company shall have acquired the franchise, property, rights, privileges and immunities of the Belfast Water Company and shall thereafter continue in effect in the said city of Belfast only so long as said Penobscot Bay Water Company shall continue to own said franchise, property, rights, privileges and immunities of said Belfast Water Company. And the franchise granted by this act shall not take effect in the town of Searsport until said Penobscot Bay Water Company shall have acquired the franchise, property, rights, privileges and immunities of the Searsport Water Company and shall thereafter continue in effect in the said town of Searsport only so long as said Penobscot Bay Water Company shall continue to own said franchise, property, rights, privileges and immunities of said Searsport Water Company. And the franchise granted by this act shall not take effect in the town of Stockton Springs until said Penobscot Bay Water Company shall have acquired the franchise, property, rights, privileges and immunities of the Stockton Springs Water Company and shall thereafter continue in effect in the said town of Stockton Springs only so long as said Penobscot Bay Water Company shall continue to own said franchise, property, rights, privileges and immunities of said Stockton Springs Water Company.

—in Searsport.

In Stockton Springs.

Agent of this corporation, appointment of.

Section 14. The directors of this corporation may designate any person to act as the agent of this corporation to vote the capital stock, which it may own in any of the water companies hereinbefore designated, at any stockholder's meeting of any of said companies.

Authorized to buy and pay for use of water pipes.

Section 15. This company is hereby authorized to buy and pay for the use of the water pipes of both the said Searsport Water Company and the said Stockton Springs Water Company for the conveyance of water from said Boyd lake to Belfast, or any part of the distance thereof. And the said Searsport Water Company and the said Stockton Springs Water Company are hereby authorized to sell the use of their water pipes to this company for said purposes, on such terms and conditions as may be mutually determined and agreed upon by the parties in interest.

In case of insufficient supply of water, towns of Searsport

Section 16. In case there shall prove at any time to be an insufficient supply of water in Boyd's pond for all of the inhabitants of all the territory included in this charter for domes-



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tic, sanitary and municipal purposes including the extinguishing of fires, the towns of Searsport and Stockton Springs shall have a joint prior right thereto ahead of any of the other territory named in this charter.

and Stockton Springs shall have prior right thereto.

Section 17. The first meeting of said corporation may be called by any corporator within named by notice thereof in writing signed by said corporator and given in hand or mailed to each of the other corporators, at least seven days before said meeting, and any corporator may act at said meeting, by written proxy.

First meeting, how called.

Approved March 26, 1909.

**Chapter 316.**

An Act to amend the Charter of the Peaks Island Water and Light Company.

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

Section one of chapter two hundred and forty-nine of the private and special acts of nineteen hundred and seven is hereby amended by striking out the period at the end of the last line thereof and adding thereto the following: 'and transmitting, supplying, selling and distributing electricity for light, heat and power on said island,' so that said section as amended, shall read as follows:

Section 1, Chapter 249 special laws, 1907, amended.

'Section 1. Edgar E. Rounds, Walter S. Crandall and Emma Rounds, their associates, successors and assigns, are hereby constituted a body corporate and politic by the name of the Peaks Island Water and Light Company for the purpose of supplying Peaks Island in the city of Portland with pure water, and transmitting, supplying, selling and distributing electricity for light, heat and power on said island.'

Corporators.

—corporate name.

Approved March 26, 1909.

**Chapter 317.**

An Act to amend the charter of the Trustees of Machiasport Bridge.

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

Section 1. Section four of chapter four hundred and twenty-one of the private and special laws of nineteen hundred and seven is hereby repealed.

Section 4, Chapter 421, special laws, 1907, repealed.

Section 2. The inhabitants of the town of Machiasport and the inhabitants of the town of East Machias shall each year raise, appropriate and pay over, equally, to the said trustees

Towns shall annually raise money equally.