

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

CHAP. 328**Chapter 328.**

An Act to provide for Ice Fishing in Great Embden pond, in the town of Embden, in Somerset County.

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

Ice fishing in Great Embden pond, to permit.

Section 1. It shall be lawful to fish for and catch fish through the ice, in accordance with the general law of the state, on Saturday of each week, during the months of February and March of each year, in Great Embden pond, so called, in the town of Embden, in Somerset county.

Inconsistent acts repealed.

Section 2. So much of section one of chapter four hundred and seven of the private and special laws of nineteen hundred and three as is inconsistent with this act is hereby repealed.

Approved March 26, 1909.

Chapter 329.

An Act to authorize and ratify the appointment of Portland City Hall Building Commission.

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

Order and action of Portland city council, authorized and ratified.

The order and action of the city council of the city of Portland constituting Adam P. Leighton, John F. A. Merrill and Richard C. Payson and their successors as therein specified, and any succeeding mayor of said city ex-officio, a commission to build a new city hall building and auditorium, together with the powers and duties enumerated in said order, are hereby authorized and ratified. Said commission may call and receive bids and proposals for erecting said buildings, and in the name and on behalf of the city execute such contracts therefor as the city council shall authorize, and shall see that the same are faithfully and promptly performed. Money appropriated by said city council for erecting said buildings shall be paid out only on the written approval of said commission, or a majority thereof; and a report of its work and expenditures shall be made at such stated times as the city council may require.

—commission may call for and receive bids.

—money appropriated, how paid.

Approved March 26, 1909.

Chapter 330.

An Act to grant additional powers to the Rangeley Light and Power Company.

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

Organization ratified, affirmed and made valid.

Section 1. The Rangeley Light and Power Company, located at Rangeley in the county of Franklin, a corporation organized under the general laws of Maine for the purpose of generating, selling and distributing gas and electricity

for lighting, heating, manufacturing and mechanical purposes, for furnishing electric light and power, and for lighting the streets and buildings in said Rangeley and adjoining plantations and townships in said Franklin county, the organization and acts of which corporation are hereby ratified, affirmed and made valid, is hereby granted the following additional rights, powers and privileges.

Section 2. Said company is hereby authorized to construct and maintain a dam at the outlet of Long pond in Sandy river plantation in said county, not exceeding one foot higher than the existing dam there located, and construct and maintain dams on the stream flowing from said Long pond into Rangeley lake, all for the purpose of storing water therein and to use the same for developing power for the uses of said company for the purposes for which it was created; provided always that the volume of water naturally flowing in said stream shall not be diminished to the detriment of any riparian owners. The damages for flowage under the provisions of this section to be ascertained in the manner prescribed in chapter ninety-four of the revised statutes.

Authorized to maintain dam at outlet of Long pond.

—and dams on stream flowing from Long pond.

—proviso.

—damages, how ascertained.

Section 3. Said company is also hereby authorized to cut and maintain canals and lay pipes from said Long pond and said stream to any point in the territory in which it has a right to operate, and may erect and maintain all necessary side dams appurtenant thereto, and erect electrical and other plants, and such buildings, and take and occupy all lands and appurtenances thereto belonging, as for public use, as may be necessary for its purposes, or to carry out the provisions of this act. Said company may enter upon any lands necessary for its purposes, and take and hold the same by purchase or otherwise, and may take and occupy all rights of way necessary for access to its various buildings and structures from the nearest highway, and may enter upon any such lands for the purpose of making preliminary surveys and setting marks and monuments therefor.

May maintain canals and lay pipes, and erect side dams.

—erect electrical and other plants.

—take lands, etc.

—may enter on lands, and take and hold same, and take and occupy rights of way.

—may make surveys.

Section 4. Said company shall file in the registry of deeds for the county where the property lies, plans of the location of all lands, and rights of way, water rights and other property and rights taken under the provisions of this act, and such land, rights of way, water rights and other property rights shall be deemed to have been taken at the date of such filing; but no entry shall be made on any land except to make surveys as aforesaid until the expiration of ten days from such filing.

Company shall file plans of all property taken.

CHAP. 330

Company
liable for
all dam-
ages.

—if par-
ties fail to
agree,
commis-
sion shall
be appoint-
ed to de-
termine
damages.

—appoint-
ment of
commis-
sion, and
proceed-
ings.

Section 5. Said company shall be held liable to pay all damages that may be sustained by the taking of the existing dam and its appurtenances at the outlet of said Long pond and for all other lands, rights, privileges and property taken for its uses, and if the owners and the said company fail to agree, then a commission of three disinterested persons shall be appointed to determine the damages sustained by such taking, as follows: The owners or the company may file within twelve months from the time of such taking in the clerk's office of the supreme judicial court in and for the county where the land taken is situated, either in term time or vacation, a petition to said court for the appointment of such commission, to consist of three disinterested persons, one selected by the owner, one selected by the company, and the third selected by the court, and upon such petition said court, after such notice as said court shall deem proper, shall appoint such commission. Such commission shall, as soon as may be, but after reasonable notice, hear the parties and determine the amount of damages sustained by said taking. The commission shall have power to compel the attendance of witnesses and may administer oaths, and when a witness refuses to attend he shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. The commission or a majority thereof after such hearing shall report to the court in said county in term time their estimate of damages, and the court may confirm, reject or recommit such report, or submit the subject matter thereof to a new commission. The expenses of said commission may be apportioned by the court or paid one-half by said company and one-half by said property owners. When any such report shall have been accepted and confirmed by said court, said court shall render judgment and issue an execution thereon, and if the damages shall remain unpaid for more than thirty days after payment thereof is due and demanded, a bill in equity may be filed in court, in term time or vacation, by the person entitled to such damages, praying for an injunction against the use or occupation of his land taken, and any justice of the court, after summary notice to the company, and upon proof of the facts, may without any bond filed, issue an injunction prohibiting such use and occupation until all damages and costs are paid. The bill shall be entered, service of it made and continued at the next term after the injunction is issued. At the second term, if payment has

not been made, the injunction may be made absolute; and all rights acquired by taking the land, and all rights of property in and to whatever has been placed upon it, cease, and the owner may maintain an action for its recovery and protection.

Section 6. Said company is authorized to make contracts with any municipality, corporation or individual for the supply of either water power or electricity for any and all purposes within the territory above named, and may establish written regulations for the supply of the same, and may sell or lease any power developed and not used by it for its own purposes; provided, however, that the same shall not be conveyed and sold outside of the limits of this state. The company may also, by agreement between the parties, connect its pipe line with that of the Rangeley Water Company and make any contract that can be mutually agreed upon to carry out the purposes for which these corporations were severally created.

Company may contract for supplying water power or electricity.

—may establish regulations.

—proviso.

—may connect with Rangeley Water Co.

Section 7. Said company shall have power to construct and maintain its lines, poles, wires, and fixtures for transmission of electricity over, across and under roads and streets in the territory above described, subject, however, to the conditions and restrictions of the general laws.

May maintain poles, wires, etc., over, across and under roads and streets.

Section 8. Said company shall be liable in all cases to repay to said towns all sums of money, that said towns, or either of them, may be obliged to pay on any judgment recovered against them or either of them, for damages occasioned by any obstruction, taking up or displacement of any street or road by said company, together with counsel fees, and other expenses necessarily incurred in defending the same; provided, however, that said company shall have notice of any suit wherein such damages shall be claimed, and shall be allowed to defend the same at its own expense.

Liable to towns for damages.

—proviso.

Section 9. In any dam or dams erected under the provisions of this act said company shall construct and maintain suitable locks and sluices for the passage of logs and lumber, and may make such improvements along said stream as will facilitate the driving of logs and lumber therein.

Shall maintain locks or sluices for passage of logs.

Section 10. Said company shall, during the log driving season, furnish the owners of logs and lumber with water for the purpose of driving the same from Long pond to Rangeley lake, provided, however, that this company shall only be required to use stored water for that purpose, and may demand and receive as a toll the sum of twenty cents for every thousand feet of logs, or other lumber, board measure, woods scale, which may pass over the improvements and

Shall furnish water for log driving purposes.

—may demand and receive tolls on logs and lumber.

CHAP. 331

—lien on
logs.

—if toll is
not paid
may seize
logs and
sell same
at public
sale.

May issue
stock and
increase
same.

—may is-
sue bonds
and mort-
gage prop-
erty.

All prop-
erty of the
company
subject to
be taken
over by the
state.

dam made by said company for the driving of which it furnishes water as aforesaid, and said company shall have a lien on all such logs and other lumber until the full amount of such toll is paid, but the logs of each particular mark only shall be holden to pay the toll on such mark, and if said toll is not paid within thirty days after such logs, or a major part of them, shall arrive in Rangeley lake in said county, or at the place of manufacture, said company may seize said logs and sell at public sale so many thereof as may be necessary to pay such toll, costs and charges, ten days' notice of the time and place of such sale being given in some newspaper published in said county of Franklin. Provided further, that nothing contained in this section shall limit the natural flow of water in said stream for log-driving purposes.

Section 11. Said company is hereby authorized to issue its capital stock to an amount provided in its charter and increase the same according to the provisions of the general law, and issue its bonds to an amount not exceeding its capital stock and secure the same by mortgage of its property and franchise.

Section 12. All the property, rights and franchises acquired erected, owned, held or controlled by this company or its assigns, shall be subject to be taken over and become the property of the state whenever said state shall determine by proper legislation to acquire and maintain the same upon payment of a fair value therefor, excepting, however, the value of the franchises herein granted.

Approved March 26, 1909.

Chapter 331.

An Act to change the Name and enlarge the Powers of the Municipal Court of Skowhegan.

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

Name
changed.

Section 1. The name of the municipal court of Skowhegan, established by chapter four hundred eighty-five of the private and special laws of nineteen hundred and one, is hereby changed to the Western Somerset Municipal Court, and the powers, duties and functions of said court are enlarged, altered and modified as hereinafter provided.

Judge,
residence
of.

Section 2. The judge of said court shall be at all times a resident of the county of Somerset, and a member of the bar of this state.