

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842

AUGUSTA
KENNEBEC JOURNAL PRINT
1909

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

menced within two years from the passage of this act, and shall in no way prevent the construction of an electric or steam railroad over the route herein proposed, by any corporation organizing under the general law.

unless construction has actually commenced.

Approved March 29, 1909.

Chapter 342.

An Act to incorporate the Stratton Water Company.

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

Section 1. O. M. Blanchard, Allen Blanchard, Royal W. Blanchard, B. Blanchard, Ralph Blanchard, with their associates and successors, are hereby made a corporation under the name of the Stratton Water Company, for the purpose of supplying the inhabitants of Stratton village in the town of Eustis with suitable water for industrial, manufacturing, domestic, sanitary and municipal purposes, including the extinguishment of fire; with all the rights and privileges, and subject to all the liabilities and obligations of similar corporations under the laws of this state.

Corporators.

—corporate name.

—purposes.

Section 2. 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 Eustis or Flagstaff, Bigelow, or Coplin plantations, except springs now in use for supplying water for domestic purposes; to conduct and distribute the same into and through the said village of Stratton; and to survey for, locate, construct and maintain suitable and convenient dams, reservoirs, buildings, machinery, lines of pipes, aqueducts, structures and appurtenances.

May take water.

—source of water supply.

—may maintain dams and reservoirs, etc.

Section 3. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe under, in and over the Stratton brook and any tributaries thereof, in the said town of Eustis or said plantations of Flagstaff, Bigelow or Coplin, and to build and maintain all necessary structures therefor, at such places as may be necessary for the said purposes of the said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, where necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury or damage caused thereby.

May lay pipes under, in and over Stratton brook and tributaries.

—may cross but shall not impair water courses, sewers, etc.

Section 4. 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

May lay pipes, aqueducts, etc., along highways, rail-

CHAP. 342

roads and bridges.
—and take up and repair same.

—responsible for damages.

—shall not obstruct public travel.

May take lands for flowage, dams, etc.

—may make surveys, and shall file plans of locations and lands in registry of deeds.

Damages, how assessed if parties fail to agree.

—locations invalid and rights forfeited if corporation shall fail to pay damages.

the said town of Eustis, and to take up, replace and repair, all such aqueducts, pipes, hydrants and other structures and fixtures as may be necessary and convenient for the said purposes of said corporation; and the said corporation shall be responsible for all damages to said town and to all corporations, persons, and property, occasioned by such use of the said highways, ways and streets. Whenever the said corporation shall lay down or construct any fixtures in any highway, way or street, or make any alterations or repairs upon 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 replaced in proper condition.

Section 5. 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 land 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 incorporation. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for the county of Franklin, 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. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct.

Section 6. Should the said corporation and the owner of any land required for the said purposes of incorporation, 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 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 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 costs

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 cost, otherwise the said corporation shall recover cost. 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.

corporation may make tender for damages.

—owner may require bond of corporation.

Section 7. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Franklin, the town of Eustis, and with the plantations of Flagstaff, Coplin or Bigelow, and with the inhabitants thereof or any corporations doing business therein for the supply of water and power for the purposes contemplated in this act; and the said town and corporation by their proper officers, are hereby authorized to enter into contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and for such exemption from public burdens as the said town and the said corporation may agree upon, which when made, shall be legal and binding upon all parties thereto.

May contract for supplying water.

Section 8. The capital stock of the said corporation shall be fifty thousand dollars, and the stock shall be divided into shares of one hundred dollars each.

Capital stock.

Section 9. The said corporation for all its purposes, may hold real and personal estate necessary and convenient therefor to the amount of fifty thousand dollars.

May hold property.

Section 10. 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 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 and mortgage property.

CHAP. 343

First meeting, how called.

Section 11. The first meeting of said corporation shall be called by a written notice thereof, 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 Phillips.

Town shall have right to purchase water works.

Section 12. Said town of Eustis or any water district including said town or portion thereof at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said town said system of water works including everything appertaining thereto, and if said town or said water district and said corporation cannot agree upon the terms and price, then such terms and price shall be determined and fixed by the chief justice of the supreme court of the state of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Approved March 29, 1909.

Chapter 343.

An Act to amend Section ten of Chapter two hundred forty-nine of the Private and Special Laws of nineteen hundred and five, entitled "An Act to authorize the Maine and New Brunswick Electrical Power Company, Limited, of New Brunswick, to exercise certain powers in this state."

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

Section 10, Chapter 249, special laws, 1906, amended.

Section ten of said chapter is hereby amended by inserting after the word "Houlton" in the seventy-seventh line thereof the following 'and the towns and villages of Linneus, Hodgdon, Ludlow, New Limerick and Hammond Plantation,' and by striking out in the last line of said section the word "town" and inserting the following 'towns and said plantation,' so that the last paragraph of said section as amended, shall read as follows:

Houlton Water Co., authorized to make contract.

"The Houlton Water Company is hereby specially authorized and empowered to contract for, buy, make, generate and use electricity upon its property in the town of Houlton, in the county of Aroostook, or other property hereafter acquired by said Houlton Water Company for the purpose, and to transmit, conduct and distribute such electricity to, into and through-