

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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1909

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 364

—may com-
mit sup-
plemen-
tary list.

City may
maintain
action for
unaid as-
sess-
ments.

City shall
pay owner
of abut-
ting prop-
erty for
any perman-
ent im-
prove-
ments.

Proceed-
ings when
parties are
aggrieved
by any as-
sessment.

municipal officers; and provided, that if a list of assessments cannot be certified to said assessors in season for commitment with the regular annual tax list, said assessors shall commit the same to said collector by a supplementary list and warrant.

Section 3. If said assessments are not paid, then the said city may sue for and maintain an action against the party assessed, as for money paid out and expended, or by an action of assumpsit, brought to enforce the above assessments, in any court of competent jurisdiction, and may recover the same with twelve per cent interest from date of assessment and costs.

Section 4. Whenever the owner or proprietor of an estate abutting upon a public street or square, shall have constructed at his own expense any permanent improvement in a sidewalk, street gutter, wall or abutment, the city of Bangor shall, upon approval by the board of street engineers and acceptance by the city council, pay to said owner or proprietor not exceeding one-half the cost thereof. Provided, however, that before beginning the construction of any such improvements, such owner or proprietor shall first notify such board of street engineers in writing and obtain its approval thereof and acceptance by the city council.

Section 5. Any person, firm or corporation aggrieved by any assessment for benefits made under this act shall have the right to proceed in the manner set forth in section thirty-five of chapter twenty-three of the revised statutes of Maine, or amendments thereof.

Approved April 1, 1909.

Chapter 364.

An Act to incorporate the Shawmut Water Company.

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

Corpo-
rators.

—corpo-
rate name.

—pur-
poses.

Section 1. Augustus S. Burk, J. W. Brankley, E. A. Emery and M. McGee, their associates, successors and assigns, are hereby made a corporation by the name of the Shawmut Water Company, for the purpose of supplying the village of Shawmut in the town of Fairfield and the county of Somerset, and the inhabitants of said village, with pure water, for domestic, sanitary and municipal purposes, including the extinguishment of fires, with all the rights and privileges and subject to all the liabilities and obligations of similar corporations under the laws of this state.

CHAP. 364

Section 2. Said company for said purposes, may retain, collect, take, store, use and distribute water from any springs or wells, that it may acquire by purchase of the owner thereof, streams, or other water sources in said Shawmut, and may locate, construct and maintain cribs, reservoirs, dams, stand-pipes, gates, hydrants, pipes and all other necessary structures to conduct and distribute the same through said town of Shawmut in the usual manner.

May take
and store
water.

Section 3. The place of business of said corporation shall be at Shawmut, in the county of Somerset and state of Maine, and its business shall be confined to the village of Shawmut in said county, which village shall include the territory on the west side of the Kennebec river within a radius of one and one-half miles from the passenger station of the Maine Central Railroad Company, at said Shawmut village.

Location.

Section 4. Said corporation is hereby authorized for the purpose aforesaid, to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, 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 selectmen of said town may impose. It shall be responsible for all damage to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town 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 same.

May lay
pipes, etc.,
along and
across
streets,
railroads
and
bridges,
and take
up, repair
and replace
same.

—liable for
all dam-
ages.

Section 5. 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 fixtures 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
water
courses,
sewers, etc.,
but shall
not impair
use of
same.

—shall not
delay pub-
lic travel.

Section 6. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking

Liable for
damages
occasioned

CHAP. 364

by taking
land or by
flowage,
etc.

—dam-
ages, how
assessed, if
parties fail
to agree.

May hold
real and
personal
property.

May issue
bonds and
mortgage
property.

Capital
stock.

First meet-
ing, how
called.

May con-
tract for
supplying
water.

Town may
take over
water
works after
ten years.

of any land or other property, or by flowage, or by excavating through any land for the purposes of laying down pipes and aqueducts, building dams, reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, either party on petition to the county commissioners of Somerset county, may have the damages assessed by them; and subsequent proceedings and rights of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations, as are by law provided in case of land taken for railroads.

Section 7. Said corporation may hold real and personal estate necessary and convenient for all its said purposes to the amount of fifty thousand dollars.

Section 8. Said corporation may issue its bonds for the construction of its work, upon such rates and terms as it may deem expedient, not exceeding fifty thousand dollars, and secure the same by mortgage of the franchise and property of said company.

Section 9. The capital stock of said corporation shall be fifty thousand dollars, said stock to be divided into shares of ten dollars each.

Section 10. The first meeting of this corporation may be called by written notice, signed by any one of the incorporators and served upon each of the other incorporators, at least seven days before the day of said meeting.

Section 11. Said corporation is hereby authorized to make contracts with said town of Fairfield, and with other corporations and individuals, for the purpose of supplying water, for municipal and other purposes within the limits of Shawmut village; and said town by its selectmen, is hereby authorized to enter into contract with said company for the supply of water, with such exemption from public burden as said town and said company may agree upon, which when made, shall be legal and binding upon all parties thereto.

Section 12. Said town of Fairfield or any water district within its limits at any time after the expiration of ten 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 or said water district 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 April 1, 1909.

Chapter 365.

An Act to confer additional Powers and Privileges upon the People's Ferry Company.

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

Section I. The People's Ferry Company, a corporation created under chapter four hundred and ninety-five of the private and special laws of eighteen hundred and eighty-five, for the purpose of conveying passengers and freight from Portland to the town of Cape Elizabeth, now the city of South Portland, by ferry, in addition to the rights, powers and privileges conferred upon said company by said chapter four hundred and ninety-five and acts additional thereto and amendatory thereof, shall hereafter without increase of its capital stock, have, exercise and enjoy the following additional rights, powers and privileges, to wit: The right to construct, maintain and operate by electricity, compressed air, animal or other power, a street railroad for public use in the city of Portland from the terminus of its ferry at Portland pier, so called, in said Portland, along and over said Portland pier and along and over such of the streets and ways of said city of Portland as the municipal officers may in writing approve, to Monument square, so called, in said Portland, the approval of the railroad commissioners being first obtained to the proposed route or location, as to streets or ways, in accordance with the provisions of chapter fifty-three of the revised statutes of Maine; and the manner of crossing any other railroad, if any, to be determined by said railroad commissioners in accordance with the provisions of chapter fifty-one of the revised statutes. Such proposed route may be located in any street or way lawfully occupied by another street railroad corporation, provided such street railroad corporation so occupying such street or way shall refuse the use of its tracks on any part of said proposed route to said People's Ferry Company on reasonable terms.

Additional powers granted to People's Ferry Co.

—may construct and operate a street railroad in the city of Portland.

—route.

—manner of crossing other railroad, how determined.