

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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June 28, 1820, February 18, 1840, and March 16, 1842

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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porations by law, to locate, construct and maintain its lines and pipes under or over land, public highways, ways, streets and bridges which now or hereafter may exist, with all necessary erections, fixtures and appliances therefor, but in such manner as not to discommode or endanger the customary use of any such way.

May acquire property of other corporations.

Section 4. Said corporation is further authorized to acquire by purchase, lease or otherwise, plants, property, franchises, rights, privileges and locations of other corporations or individuals owning or controlling any water rights or privileges and said corporations and individuals or any or all of them are hereby authorized to lease, convey, transfer and assign such property, franchises, rights, privileges and locations to the said Monmouth Electric Company and after the acquisition of such rights, privileges, franchises or locations the aforesaid Monmouth Electric Company shall have, hold, enjoy and exercise the same for its own use and purpose as though originally granted to it.

Capital stock.

Section 5. Capital stock of said corporation shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each.

May issue bonds and mortgage property.

Section 6. Said corporation may issue its bonds for the construction of its work upon such rate and terms as it may deem expedient not exceeding fifty thousand dollars and secure the same by mortgage of the franchise and stock of said company.

First meeting, how called.

Section 7. The first incorporator named in this act may call the first meeting of the corporation by mailing a written notice signed by him, postpaid to each of the other incorporators seven days at least before the day of the meeting, naming time, place and purpose of such meeting.

Approved March 10, 1911.

Chapter 80.

An Act to authorize the Bangor Railway and Electric Company to take water from Brewer Pond and its tributaries.

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

Authorized to take water from Brewer pond.

Section 1. The Bangor Railway and Electric Company, a corporation organized under the general laws of the State of Maine, and having its principal office in Bangor, in the county of Penobscot, is hereby authorized and empowered to take, divert and use the water from Brewer pond, situated in the towns of Bucksport, Orrington, and Holden in the counties of

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Hancock and Penobscot, and from its tributaries wherever situated, for the purpose of supplying the inhabitants of the city of Brewer and the towns of Veazie and Orrington with pure water; provided, however, that at all times sufficient water shall be allowed to flow out of said Brewer pond, down Segeundunk stream as far as the intake pipes now owned and used by the Eastern Manufacturing Company, to always maintain at the mouth of said pipes a quantity of water adequate for supplying through said pipes the mills now owned by said Eastern Manufacturing Company with the same quantity of water which said mills now use.

—proviso.

Said Bangor Railway and Electric Company and said Eastern Manufacturing Company are hereby authorized to enter into a contract changing the terms and conditions of supplying said mills with water.

—may contract to change terms of supplying mills with water.

Section 2. The Bangor Railway and Electric Company for the purposes aforesaid is hereby authorized and empowered to take and hold by purchase or otherwise any land or interest therein or water rights necessary for erecting dams for flowage, for power for pumping purposes, for reservoirs, for preserving the purity of the water shed and for laying and maintaining pipes, aqueducts and other structures for taking, distributing, discharging and disposing of water.

May take and hold lands and water rights.

—purposes.

Section 3. The Bangor Railway and Electric Company is authorized and empowered to increase the storage of said Brewer pond, or any pond tributary to said Brewer pond, and to erect and maintain all proper structures therefor.

May increase water storage.

Section 4. The Bangor Railway and Electric Company is hereby authorized and empowered to lay in and through such streets and highways and across such private lands, and to repair and replace such pipes, aqueducts and fixtures as may be necessary and convenient for supplying said city and towns with water. And whenever said company shall lay pipes or aqueducts in any street or highway it shall cause the same to be done with as little obstruction as possible to public travel and shall, at its own expense, without unnecessary delay, cause the earth and pavement removed to be replaced in proper condition.

May lay pipes.

—restrictions.

Section 5. In exercising any right of eminent domain conferred upon it by law for the purposes above mentioned, the Bangor Railway and Electric Company shall file in the office of the county commissioners of Penobscot and Hancock counties, and record in the registry of deeds in said counties, plans of the location of lands or interests therein or water rights to be taken, with an appropriate description and names of the

Shall file locations of lands or water rights taken.

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owners thereof, and no entry shall be made on any private lands except to make surveys, until the expiration of ten days from such filing and record.

Damage for
lands or wa-
ter rights
taken.

Section 6. Said Bangor Railway and Electric Company shall pay the damages sustained by any person on account of any taking as aforesaid, or by any owner of a water power on said Segeundunk stream on account of taking, diverting or using water as aforesaid, and if any person sustaining damages by any taking or diverting as aforesaid, shall not agree with said company upon the sum to be paid therefor, either party upon petition to the county commissioners of the county in which the property taken or damaged is situated may have his damages assessed by them. The procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are by law prescribed, from time to time in the case of damages by the laying out of highways.

—how adjust-
ed.

Pollution of
waters of
company pro-
hibited.

Section 7. No person, firm, association, club or corporation shall hereafter build in or occupy any structure upon or near the shores of Brewer pond or any pond or stream tributary thereto, for such purposes or in such manner that the sewer or drainage therefrom shall enter the waters of said pond or any other pond or stream tributary thereto. No person shall hereafter throw the body of any dead animal or other offensive material into the water of said Brewer pond or into the waters of any pond or stream tributary thereto, or leave the same upon such ponds, or streams, when frozen; nor shall any sewage, drainage, refuse or polluting matter, of such kind and amount as, either by itself or in connection with other matter, will tend to corrupt or impair the purity of the waters of said ponds and streams, or tend to render them injurious to health, be discharged into said waters or deposited therein or thereon.

Penalty for
violation of
sec. 7 of this
act.

Section 8. Whoever violates any of the provisions of section seven of this act, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year. The supreme judicial court shall have jurisdiction in equity to enjoin, prevent or restrain any violation of the provisions contained in section seven of this act.

—supreme
judicial court
may enjoin.