

# 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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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

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by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by, and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting; however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and right shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

The fair value of the property, right and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned, shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded, as shall be provided in said act.'

Approved March 10, 1911.

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subject to be taken over by the state.

—value of property, how determined.

Chapter 85.

An Act to incorporate the New Sharon Water Company.

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

Section 1. O. B. Head, C. A. Thompson, W. W. Norcross, V. G. Day, R. Y. Swift, E. H. Smith, J. A. Morrill, L. F. Dolloff, and E. E. Richards, with their associates and successors, be and are hereby made a corporation under the name of the New Sharon Water Company, for the purpose of supplying the inhabitants of the town of New Sharon, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Corporators.

—corporate name.

—purposes.

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Place of  
business.

Section 2. The place of business of said corporation shall be at New Sharon, in the county of Franklin and state of Maine.

—may take  
water.

Section 3. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook, well or other waters in the towns of New Sharon and Vienna in Kennebec county, and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, wells, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

—may main-  
tain dams,  
etc.May lay lines  
of pipe.

Section 4. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the said towns of New Sharon and Vienna, and to build and maintain all necessary structures therefor, at such places as shall be necessary for the said purposes of said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purpose 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 caused hereby.

—build struc-  
tures.—cross sew-  
ers.May cross  
streets,  
rivers,  
railroads, etc.

Section 5. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads, streams, river and bridges in the said towns, and to take up, replace and repair, all such aqueducts, sluices, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the respective towns may impose; and the said corporation shall be responsible for all damage to the said towns and to all corporations, persons, and property, occasioned by such use of the highway, ways and streets.

—may take  
up and repair  
pipe.

—restrictions.

—may lay  
pipes in  
streets.

Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration 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 pavement then removed by it, to be placed in proper condition.

May take  
land for flow-  
age.

Section 6. The said corporation is hereby authorized to take and hold by purchase or otherwise any land necessary for flowage, and also for its drains, reservoirs, gates, hydrants, wells, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipes, and other

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necessary structures or fixtures in, over and through such land for such location, construction and erection.

And in general to do any act necessary, convenient or proper for carrying out any of the said purposes or incorporation. It may enter upon such land to make surveys and locations, and shall file in the registry of deeds in the counties of Franklin and Kennebec plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices of such filing in some newspaper in each of said counties, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by more than one line of pipe or aqueduct.

—may make surveys.

—shall file locations.

Section 7. Should the said corporation and the owner of such land be unable to agree upon the damage to be paid for such location, taking, holding, flowing and construction, the land owner of said corporation may, within twelve months after 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 highways, as far as such law is consistent with the provisions of this act. If said corporation 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 the said corporation shall forfeit all rights under the same as against such land owner. 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 said judgment or deposits. 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.

Damages for taking of land, how paid.

Section 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damage assessed in the same 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 expiration of the time of payment and a tender by said company may be made with the same effect as in the preceding section.

Damages, how assessed.

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May make contracts for supplying water.

Section 9. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Franklin, the town of New Sharon and with any village corporation in the said town and with the inhabitants thereof, or any corporation doing business therein or water district, for the supply of water for any and all the purposes contemplated in this act; and the said town by its proper officers, is hereby authorized to enter into any contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said town, village corporation, water district may agree upon, and said contract shall be legal and binding upon all parties thereto.

—towns may contract for water.

—may abate taxes.

Pollution of water, to prohibit.

Section 10. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall wilfully or maliciously injure any of the works of the said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

—penalty for pollution.

Capital stock.

Section 11. The capital stock of the said corporation shall be twenty-five thousand dollars, which may be increased to any sum not exceeding fifty thousand dollars, by a majority vote of the stockholders of the said corporation; and the stock shall be divided into shares of fifty dollars each.

May hold real and personal property.

Section 12. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor.

May issue bonds.

Section 13. 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, to an amount not exceeding its capital stock subscribed for, and secure the same by mortgage of its franchise and property.

First meeting, how called.

Section 14. The first meeting of the corporation shall be called by a written notice therefor, 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 the county of Franklin.

Town of New Sharon may purchase works.

Section 15. Said town of New Sharon or any water district including said town or a portion of said town, at any time after

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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 or any water district including said town or a portion of said town, said system of water works including everything appurtenant thereto, and if said town or said water district and said corporation cannot agree upon the terms and price, then such terms and such 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.

—by and after vote of town.

—corporation shall sell.

—terms of sale, how fixed.

Approved March 10, 1911.

**Chapter 86.**

An Act relating to the merger of the Portland Trust Company into the Fidelity Trust Company.

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

Section 1. The merger of the Portland Trust Company into the Fidelity Trust Company upon such terms as said companies have mutually agreed or shall mutually agree, is hereby authorized and confirmed, subject to the final approval in writing of the bank commissioner.

Merger to be confirmed by bank commissioner.

Section 2. Such merger shall not be deemed to work a dissolution of said Portland Trust Company or a termination of its corporate existence or franchise, but the corporate existence of said Portland Trust Company shall be continued to the Fidelity Trust Company and all the privileges and franchises said Portland Trust Company and all its rights, titles and interests in and to every species of property and things in action shall, immediately upon the approval of the bank commissioner as provided in the preceding section, without any deed or transfer be vested in said Fidelity Trust Company to hold and enjoy in the same manner and to the same extent as the said Portland Trust Company had formerly held and enjoyed the same but said Portland Trust Company may in its discretion execute one or more deeds or documents of conveyance, transferring and confirming all its rights, titles and interests aforesaid to and in said Fidelity Trust Company. The rights of creditors of said Portland Trust Company so merged shall not in any manner be impaired by such merger and the Fidelity Trust Company, upon such merger, shall continue to exercise in its own name,

Portland Trust Company dissolved.

—continued to Fidelity Trust Company.

—without deed of transfer.

—certain deeds, authorized.

—rights of creditors.