

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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thereof, or any drainage therefrom shall enter said pond or any of its direct tributaries. Nothing herein shall prohibit the cultivation and use of the soil in the ordinary methods of agriculture, if no human excrement is used thereon within three hundred feet of the shores of said pond.

Court may
restrain vio-
lation of this
act.
—penalty.

Section 3. The supreme judicial court shall have jurisdiction in equity to enjoin or restrain any violation of the provisions of this act. Any violations of the provisions of this act shall also be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Approved March 30, 1911.

Chapter 266.

An Act to incorporate the Swan's Island Water Company.

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

Corporators.

Section 1. Herbert W. Joyce, William Herrick, William B. Lindsey, Frank E. Bridges, and Isaac W. Stinson, their associates, successors, and assigns are hereby made a corporation by the name of the Swan's Island Water Company, for the purpose of supplying the town of Swan's Island in the county of Hancock and the inhabitants of said town with pure water for domestic, sanitary, municipal, and public purposes including the extinguishment of fires.

—corporate
name.
—purposes.

Sources of
water sup-
ply.

Section 2. Said company for said purposes may retain, collect, take, store, use, and distribute water from any springs, except such springs as are actually used for domestic purposes, ponds, streams, or other water sources in said Swan's Island, and may locate, construct, and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants, and all other necessary structures therefor.

May lay
pipes, aque-
ducts, etc.,
along and
across
streets,
bridges and
railroads.

Section 3. Said company is hereby authorized 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 as the selectmen of said town may impose. It shall be responsible for all damages 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 obstructions caused by said company and for all expenses, including reason-

—shall be
responsible
for damage.

able 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 the same.

Section 4. 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 any fixture 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, but shall not obstruct any water course or sewer.

—liable for damage.

—shall not obstruct public travel.

Section 5. Said company may take and hold any waters as limited in section two, and also any lands necessary for reservoirs, and other necessary structures and may locate, lay and maintain aqueducts, pipes, hydrants, and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such locations, constructions and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for said county of Hancock, 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.

May take and hold necessary water and lands.

—may enter on lands to make surveys, and shall file plans of locations.

Section 6. Should said company and the owner of such land so taken be unable to agree upon the damages to be paid for such location, taking, holding, and construction, the damages shall be assessed in accordance with the law applicable to the assessment of damages for ways taken by railroads, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners, in the said county of Hancock, 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 hereby invalid, and said company forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and, if such land owner recovers more damages than were tendered by said company, he shall recover costs, otherwise said company shall re-

Damages, how assessed, if parties cannot agree.

—company may make tender for damages willing to pay.

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—land owner may require bond.

cover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No actions shall be brought against said company for such taking, holding and occupation until after such failure to pay or deposit as aforesaid. Failure to apply for damages within three years by the land owner shall be held to be a waiver of the same.

—waiver.

Damages occasioned by the taking of water, how assessed.

Section 7. Any person suffering damage by the taking of water by said company as provided by this act may have his damages assessed in the 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 the expiration of the time of payment, and a tender by said company may be made with the same effect as in the preceding section.

May enter into contracts for supplying water.

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Swan's Island or any village corporation therein for the purpose of supplying water as contemplated by this act. And the said town of Swan's Island by its selectmen or such village corporation by its assessors, is hereby authorized to enter into contract with said company for a supply of water for public uses on such terms and for such time as the parties may agree, which, when made, shall be legal and binding on all parties thereto, and said town of Swan's Island for this purpose may raise money in the same manner as for other town charges.

Capital stock.

Section 9. The capital stock company shall be ten thousand dollars, and said stock shall be divided into shares of ten dollars each.

May hold necessary estate.

Section 10. Said company for its said purposes may hold real and personal estate necessary and convenient therefor.

Company may issue bonds secured by mortgage of its property.

Section 11. Said company may issue its bonds for the construction of its works and for other purposes of its incorporation of any and all kinds upon such rates and times as it may deem expedient to an amount not exceeding ten thousand dollars and secure the same by a mortgage or mortgages of the franchise and property of said company.

Notice of first meeting, how given.

Section 12. The first meeting of said Swan's Island Water Company may be called by written notice thereof signed by any two of the incorporators herein named, served upon each of the other incorporators by giving him the same in hand or by leaving the same at his last usual place of abode or by mail-

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ing the same to him at his last known residence or place of business or by publishing the same in some newspaper in the county of Hancock, state of Maine, at least five days before the time of such meeting.

Section 13. Said company is hereby further authorized to locate, lay, and maintain its pipes and other necessary structures under and through the tide waters of Old Harbor and under and through any and all other tide waters in said town of Swan's Island.

May lay pipes under tide waters.

Approved March 30, 1911.

Chapter 267.

An Act to extend the rights, powers and privileges of the Barrows Falls Light and Power Company.

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

The rights, powers and privileges of the Barrows Falls Light and Power Company which were granted by chapter two hundred and sixty-three of the private and special laws of the year one thousand nine hundred and nine, are hereby extended for and during the period of two years from March twenty-fourth, nineteen hundred and eleven, and all the rights, powers and privileges that were granted by said act may and shall be exercised in the same manner and for the same purposes as provided in said act.

Charter extended.

Approved March 30, 1911.

Chapter 268.

An Act to appropriate moneys for the Expenditures of Government for the year, one thousand nine hundred and eleven.

Whereas, the appropriation of moneys for the maintenance of the several branches of the state government and its institutions is an emergency measure immediately necessary for the preservation of the public peace, health or safety, now therefore,

Preamble.

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

Section 1. In order to provide for the several acts and resolves of the legislature requiring the payment of money from the state treasury, and also to provide in part for the necessary expenditures of government, for the current fiscal year one thousand nine hundred and eleven, the following sums are here-

Expenditure of government, in part, for 1911