

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 43

Chapter 43.

An Act Authorizing the City of Westbrook to Assume Control of Saccarappa Cemetery.

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

City of Westbrook authorized to assume control of Saccarappa Cemetery.

Section 1. The city of Westbrook, a municipal corporation created and existing by law and located in the county of Cumberland, is hereby authorized to assume control, care, and management of all land now included within the boundaries of what is known as The Saccarappa Cemetery, located within the limits of said city of Westbrook.

This act shall not disturb title to land within bounds of said cemetery. —city council may establish ordinances and regulations. —may impose fines.

Section 2. This act shall in no way disturb the title to any land within the bounds of said cemetery, except that no owner shall dispose of any land therein to be used for any purpose other than a burial lot, but the city council may establish such ordinances and regulations, not inconsistent with the constitution and the laws of this state, as shall be needful to the proper use and care of said cemetery; and impose fines and penalties for a breach thereof, not exceeding twenty dollars for any one offense, which may be recovered to the use of said city, by an action of debt, or on complaint before the municipal court of said city.

Control and management of said cemetery is vested in city council.

Section 3. The direct control and management of said cemetery is hereby vested in the city council, but the city council may exercise this power through the board of trustees of Woodlawn Cemetery, which board shall have no power or authority in the matter, other than granted it by said city council.

Approved March 4, 1913.

Chapter 44.

An Act to Create the Smyrna Water Company.

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

Corporators.

Section 1. C. W. Sherman, A. E. Estabrook, A. M. Leavitt, Lyndon MacGown, Pearl E. Tarbell and Melvin L. Benn, their associates, successors and assigns, are hereby made a corporation by the name of the Smyrna Water Company, for the purpose of conveying to and supplying the town of Smyrna in the county of Aroostook and the inhabitants thereof, with pure water for domestic, sanitary, manufacturing and municipal purposes.

Corporate name. —purposes.

May hold real and personal property.

Section 2. Said corporation for said purposes may hold all such real estate and personal property as may be necessary or convenient therefor.

Section 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the waters of any pond, lake stream or springs in said town of Smyrna, and is also authorized to erect and maintain dams, standpipes and reservoirs, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of water; and said corporation may take and hold by purchase or condemnation any lands or real estate necessary therefor, and may excavate through any lands when necessary for said purposes.

CHAP. 44

May take and use waters in town of Smyrna.
—may maintain dams, etc.

—may take lands.

Section 4. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking of any land or other property, or by flowing or by excavating through the same, the same to be taken and the damages assessed therefor in the manner provided for taking lands for steam railroads, so far as the same is applicable.

Damages for land taken, how assessed.

Section 5. The capital stock of said corporation shall be forty thousand dollars, which may be from time to time increased by vote of said corporation not to exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

Section 6. Said corporation is hereby authorized to lay in and through the streets and ways in said town of Smyrna, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of its incorporation, the same to be done under such reasonable restrictions as the selectmen of said town may impose. Said company is hereby authorized to lay, construct and maintain its pipes across the location of any railroad, and all work within the limits of the railroad location shall be done under the supervision and to the reasonable satisfaction of the chief engineer of the railroad company.

May lay pipes, etc.

—may replace and repair pipes.

—restrictions.

—may cross railroad locations.

Section 7. Said corporation is hereby authorized to make contracts with the corporations and inhabitants of said town and with said town or any village corporation therein for the purpose of supplying water as contemplated in this act; and the municipal officers of said town or the assessors of any village corporation therein or any duly authorized agent or agents thereof are hereby authorized to enter into contracts for a term of years with said company for the supply of water for municipal and fire purposes and for such exemption from public burden as they and said company may agree upon which when made shall be legal and binding.

Corporation may make contracts for supply of water.

—municipal officers may contract for supply of water.

Section 8. Said corporation shall have the right to cross any river, stream or water course, public or private sewer, or to

May cross sewers, etc.

CHAP. 44

change the direction thereof when necessary but in such manner as not to obstruct or impair the use thereof and it shall be liable for any injury caused thereby. Whenever the company shall lay down any pipes in any streets, or make any alterations or repairs in any highway, it shall cause the same to be done with as little obstruction to public travel as may be practicable and without unnecessary delay restore said highway to its original condition.

—shall not unnecessarily obstruct travel.

Pollution of waters, how punished.

Section 9. Any person who shall wilfully injure any of the property of said corporation, or shall corrupt the waters which are the source of supply furnished by said corporation, or any tributaries thereof, in any manner whatever, or render them impure, whether the same be frozen or not; or shall wilfully destroy any dam, reservoir, pipe, hydrant, or other thing used in transmitting or supplying water, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years and shall be liable to said corporation for three times the actual damage done to be recovered in an action of debt.

—injury to property, how punished.

May Issue bonds.

Section 10. Said corporation, from time to time, may issue bonds for the construction of its works upon such rates and time as it may deem expedient, and secure the same by mortgage on its franchises and property then owned or thereafter to be acquired by it.

First meeting, how called.

Section 11. The first meeting of said corporation may be called by a written notice thereof signed by any of the corporators herein named, served upon each corporator by giving the same to him in hand, or by mailing the same to him, postage prepaid, seven days at least before the day of said meeting.

Town may purchase system after five years.

Section 12. At any time after five years after the date of the approval of this act the town of Smyrna or any village corporation therein, if its inhabitants shall so vote, by a majority vote, at a legal meeting called therefor shall have the right to purchase the system of water works constructed by said company in said town as herein authorized together with the franchises of said company relating thereto at a price to be agreed upon between said company and said town or village corporation; and if such price cannot be agreed upon then at a price which shall be determined by a commission of three competent and disinterested men, one of whom shall be selected by said company, one by said town of Smyrna or by said village corporation, and the third by the two so selected if they can agree, if not, then by the chief justice of the supreme judicial court of Maine. The award of said commissioners, not less than cost, and interest thereon, shall be binding upon said

—price of purchase, how determined.

company and said town or village corporation, and said town or village corporation shall pay the amount of said award for said system of water works and franchises within ninety days from the date when such award shall be rendered. The cost of said commission shall be borne equally by the said company and said town or village corporation.

Approved March 4, 1913.

CHAP. 45

—price awarded shall be paid within ninety days.
—cost of commission, how borne.

Chapter 45.

An Act to Create the Oakfield Water Company.

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

Section 1. N. C. Martin, C. S. Lougee, E. T. White, Lyndon MacGown, T. E. Thomas, A. O. Holden, their associates, successors and assigns, are hereby made a corporation by the name of the Oakfield Water Company, for the purpose of conveying to and supplying the town of Oakfield in the county of Aroostook and the inhabitants thereof, with pure water for domestic, sanitary, manufacturing and municipal purposes.

Corporators.

—corporate name.
—purposes.

Section 2. Said corporation for said purposes may hold all such real estate and personal property as may be necessary or convenient therefor.

May hold real and personal property.

Section 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the waters of any pond, lake, stream or springs in said town of Oakfield, and is also authorized to erect and maintain dams, standpipes and reservoirs, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of water, and said corporation may take and hold by purchase or condemnation any lands or real estate necessary therefor, and may excavate through any lands when necessary for said purposes.

May take and use waters in town of Oakfield.

—may maintain dams, etc.

—may take and hold lands.

Section 4. Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking of any land or other property, or by flowing or by excavating through the same, the same to be taken and the damages assessed therefor in the manner provided for taking lands for steam railroads, so far as the same is applicable.

Damages for lands taken, how assessed.

Section 5. The capital stock of said corporation shall be forty thousand dollars, which may be from time to time increased by vote of said corporation not to exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

Section 6. Said corporation is hereby authorized to lay in