

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

said corporation, and constantly exposed to open view a board or sign, upon which shall be written the rates of toll and all the tollable articles in large or capital letters—and that the said corporations shall at all times keep said bridge in good and passable repair; provided further, that after the period of twenty years, the towns of Eden, Trenton and Mt. Desert, or either of them, shall have the privilege of purchasing the said bridge at the original cost of erecting the same, for the purpose of making it a free bridge.’

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—a sign shall be exposed giving rates of toll.
 —corporation shall keep bridge in repair.
 —purchase of bridge by towns provided for.

Approved March 25, 1913.

Chapter 172.

An Act to Incorporate the Bluehill Water Company.

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

Section 1. John F. Knowlton, Edward E. Chase, Forrest B. Snow, their associates, successors and assigns, are hereby made a corporation by the name of the Bluehill Water Company, for the purpose of supplying the town of Bluehill, in the county of Hancock, and the inhabitants of said town, with pure water for domestic, sanitary, municipal and public purposes, including extinguishment of fires.

Corporators.
 —corporate name.
 —purposes.

Section 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, ponds, streams, or other water sources, in said Bluehill, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

Company may take, store and use water.

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 and conditions 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 further shall 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 the same.

May lay and maintain pipes, etc.

—shall not unnecessarily obstruct public travel.
 —shall be liable for damages occasioned by use of highways.

Section 4. Said company shall have power to cross any water

May cross water courses, etc.

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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 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 take and hold lands.

—may lay pipes, etc., across any lands.

—shall file locations of lands taken.

Damages, how assessed.

—location shall be invalid if land is not paid for within 90 days after award.

—bond shall be given if lands are entered before judgment is rendered.

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 and fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and location, and shall file in the registry of deeds for said county of Hancock, plans of such location 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.

Section 6. Should said company and the owner of such lands 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 laws 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 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 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 recover 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 pay-

ment or deposit. No action 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 of damages.

Section 7. Any person suffering damages 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 thereof 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.

Damages for taking water, how assessed.

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Bluehill or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Bluehill by its selectmen, or any 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 times as the parties may agree, which when made, shall be legal and binding on all parties thereto, and said town of Bluehill for this purpose may raise money in the same manner as for other town charges.

Corporation is authorized to contract for supplying water.

Section 9. Said company for all its said purposes, may hold real and personal estate necessary and convenient therefor.

—town of Bluehill may contract for water.

Section 10. The capital stock of said company shall be twenty-five thousand dollars, which may be, from time to time, increased by vote of said company not to exceed fifty thousand dollars, and shall be divided into shares of ten dollars each.

Company may hold real and personal 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 time as it may deem expedient, to an amount not exceeding the amount of the capital stock subscribed and actually paid for, and secure the same by mortgage of its franchise and property.

Capital stock.

Company may issue bonds.

Section 12. The first meeting of said company may be called by written notice thereof signed by any of the corporators herein named, served upon each of the other corporators by giving him the same in hand, or by leaving the same at his last usual place of abode, or by mailing 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 at least seven days before the time of such meeting.

First meeting, how called.

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Town may purchase system after five years.

—price of purchase, how determined.

—award shall be binding.

—costs, how borne.

Section 13. Said town of Bluehill, or any village corporation within the limits of said town of Bluehill, at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said company and after a vote in a legal meeting to that effect has been passed, shall have the right to purchase, and by this act said company is required to sell to said town, or said village corporation, said system of water works, together with the franchises of this company relating thereto, for such price as may be agreed upon by said town, or said village corporation and said company. And should said parties be unable to agree upon the amount the same 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 Bluehill, 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, shall be binding upon said 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 costs of said commission shall be borne equally by the said company and said town or village corporation.

Approved March 25, 1913.

Chapter 173.

An Act to Incorporate the Kennebec Realty Company.

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

Corporators.

—corporate name.

—purposes.

—shall January 1, 1915. begin business before

Section 1. William J. Skehan, S. S. Lancaster, Samuel Titcomb, Charles A. White, Harold H. Murchie, their associates and successors, are hereby created a corporation by the name of The Kennebec Realty Company, to be located at Augusta, in the county of Kennebec, and state of Maine, for the purpose of buying and selling real estate, doing a general real estate business, and loaning money on the notes of individuals, firms or corporations, secured by mortgages of real estate or any interest therein, or by pledge or mortgage of personal property of any kind, including savings bank deposit books, life insurance policies, bonds, stock and other obligations of and against third parties, and all the powers and privileges necessary for the execution of these purposes are hereby granted, and said corporation shall begin business on or before January first, nineteen