

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
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-Sixth
Legislature

1913

CHAP. 195

—unless tolls are paid within 20 days company may sell logs.

—lien shall have precedence over other claims.

—exception.

When tolls shall be reduced.

Improvements of Newcastle Lumber Co. shall be included in costs.

Capital stock.

Improvements shall not be used for power purposes.

for the payment of said tolls, but the logs, pulp wood, and other lumber of each particular mark shall be held only for the tolls of such mark. Unless such tolls are paid within twenty days after said logs, pulp wood and other lumber, or the major part of them, shall have arrived in the Carrabassett river, said company may seize said logs, pulp wood, and other lumber, and sell at public auction so many, or so much thereof as shall be necessary to pay said tolls, cost, and charges, notice of the time and place of sale to be published three successive weeks in some newspaper printed in Somerset county, the last publication to be at least ten days before the day of sale. The lien hereby created shall have precedence over all other claims, mortgages, or liens (except for stumpage on logs cut on state lands and previous statutory liens for labor), but shall not deprive said company of any other legal remedy it may have to collect its tolls.

Section 5. When said company shall have received from tolls their outlays on dams, booms, and other improvements and repairs made up to that time and six per cent interest thereon, then the tolls shall be reduced to a sum sufficient to keep the works in repair. The county commissioners of Somerset county shall audit the accounts of said company for the aforesaid purposes, to determine the cost of dams, booms and other improvements and repairs.

Section 6. The present actual value of dams, booms, and other improvements already erected upon said streams, pond, and their tributaries by the Newcastle Lumber Company during and since the year nineteen hundred nine, shall be included in the costs of improvements designated in this act.

Section 7. Said company may issue its capital stock to an amount not exceeding fifty thousand dollars, to be divided into shares of one hundred dollars each.

Section 8. Provided, however, that such dams and other improvements shall not be used for power purposes.

Approved March 31, 1913.

Chapter 195.

An Act to Authorize the Bangor Railway and Electric Company to Take Water from Chemo Lake and its Tributaries.

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

Section 1. The Bangor Railway and Electric Company, a corporation organized under the general laws of the State of Maine, and having its principal place of business in Bangor, in the county of Penobscot, is hereby authorized and empowered

Bangor Railway and Electric Company authorized to take water from Chemo lake.

to take, divert and use the water from Chemo lake, situated in the towns of Bradley, Clifton and Eddington, in the county of Penobscot, and from its tributaries wherever situated, for the sole purpose of supplying the inhabitants of the cities of Oldtown and Brewer and the towns of Milford, Veazie and Orrington with pure water; provided, however, that the authority herein granted shall not be exercised until contracts have been entered into between said cities and towns and said Bangor Railway and Electric Company, or its successors, in which it is stipulated that Chemo lake and its tributaries may be used as a source of water supply for said cities and towns and the inhabitants thereof, and such contracts have been ratified by the voters thereof at legal meetings of said cities and towns.

—proviso.

Section 2. The Bangor Railway and Electric Company is hereby authorized and empowered to sell or lease all or any part of its property, rights, privileges and franchises owned and enjoyed by it for the purpose of supplying said cities and towns with water; also, to consolidate with or acquire by lease, purchase or otherwise the property, rights, privileges and franchises of the Orono Water Company or any other company authorized and empowered to furnish the said cities and towns with water. The said Bangor Railway and Electric Company and said Orono Water Company are hereby authorized and empowered to enter into a contract changing the terms and conditions of supplying the town of Orono with water.

Bangor Railway and Electric Company authorized to sell or lease its property.

—may acquire property of Orono Water Company.

Section 3. 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.

Section 4. The Bangor Railway and Electric Company is authorized and empowered to increase the storage of said Chemo lake, or any pond tributary to said Chemo lake, and to erect and maintain all proper structures therefor.

May increase storage of Chemo lake.

Section 5. 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 cities 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

May lay pipes, etc.

CHAP. 195

—shall not unnecessarily obstruct public travel.

Locations of lands taken shall be filed.

Damages, how assessed.

Pollution of waters of Chemo lake prohibited.

Penalty for violation of this act.

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.

Section 6. In exercising any right of eminent domain conferred on 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 county, and record in the registry of deeds in said county, plans of the location of lands or interests therein or water rights to be taken, with an appropriate description and names of the 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.

Section 7. If any person, sustaining damages by any taking as aforesaid, shall not agree with said company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Penobscot county, may have said 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.

Section 8. No person, firm, association, club or corporation shall hereafter build in or occupy any structure upon or near the shores of Chemo lake or any pond or stream tributary thereto, for such purposes or in such manner that the sewerage or drainage therefrom shall enter the waters of said lake or any 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 Chemo lake or into the waters of any pond or stream tributary thereto, or leave the same upon such lake, 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 lake, ponds and streams, or tend to render them injurious to health, be discharged into said waters or deposited therein or thereon.

Section 9. Whoever violates any of the provisions of section eight 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 eight of this act.

Approved March 31, 1913.