

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 218 any court of competent jurisdiction, to the use of any person who shall sue therefor, and shall be further liable to pay, in an action on the case, such special damages as any person may sustain by its unreasonable neglect.

—special damages.

Time when boats shall run.

Section 6. The time for running said boat or boats unless prevented by accident or unavoidable casualty shall be not less than from six o'clock in the forenoon to six and one-half o'clock in the afternoon and not less than two round trips shall be made hourly within said limits.

Approved April 4, 1913.

Chapter 218.

An Act to Incorporate the Hampden Water Company.

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

Corporators.

Section 1. George W. Smith, James A. Dunning, Charles C. Garland, George H. Hamlin, and Benjamin W. Blanchard, their associates, successors and assigns, are hereby made a corporation by the name of the Hampden Water Company, for the purposes of supplying the town of Hampden in the county of Penobscot and inhabitants thereof with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires, with all the rights and privileges, and subject to all the liabilities and obligations of similar corporations under the laws of this state; also for the purpose of buying, selling, leasing and operating the property, capital stock, bonds, rights, privileges, immunities and franchises of any individuals, firms or corporations doing a similar business in said Penobscot county.

—corporate name.

—purposes.

—liabilities and obligations.

Water supply, whence to be obtained.

Section 2. Said corporation for said purposes may retain, collect, take, store and distribute water from any springs or wells that it may acquire by purchase of the owners thereof or otherwise, or from any ponds, streams or other sources in or out of said town of Hampden, and may locate, construct and maintain cribs, reservoirs, dams, stand-pipes, gates, hydrants, pipes and all other necessary structures, to conduct and distribute the same into and through said town of Hampden. Said corporation is hereby authorized to contract, to buy and to receive its supply of water, in whole or in part, from any other corporation or municipality, and said corporation or municipality is hereby authorized to contract, to convey and deliver to this corporation said water supply.

may maintain reservoirs, etc.

—may contract to buy water.

Corporation may lay pipes, etc.

Section 3. Said corporation is hereby authorized for the purposes aforesaid to lay, construct and maintain in, under,

through, along and across the highways, ways, streets, railroads, street railways and bridges in said Hampden, 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. Said corporation 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 obstruction caused by said corporation, and for all expenses including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said corporation shall have notice of suits and opportunity to defend the same should it choose. Said town of Hampden is hereby authorized to contract with the said corporation for a supply of water for fire or for other purposes for a term of years, and at the expiration of such contract to renew or change the same.

—shall not unreasonably obstruct streets, etc.

—shall be responsible for damages.

—town of Hampden may contract for supply of water

Section 4. Said corporation 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 corporation 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.

Corporation may cross sewers, etc.

—shall not unnecessarily obstruct public travel.

Section 5. Said corporation shall be held liable to pay all damage that shall be sustained by any person by the taking of any land or other property, or by flowage, or by excavating through any land for the purposes of laying down pipes and aqueducts, building dams, reservoirs and also damages for any other injuries resulting from said acts; and if any person, firm, company or corporation sustaining damage as aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, either party, upon petition to the county commissioners of Penobscot county, may have the damages assessed by them, and subsequent proceedings and rights of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations as are by law provided in

Shall be liable for damages for taking land, etc.

—damages, how assessed.

CHAP. 218 case of land taken for railroads.

May hold real and personal estate.

Section 6. Said corporation may hold real and personal estate necessary and convenient for all its said purposes to the amount of two hundred and fifty thousand dollars.

May issue bonds.

Section 7. Said corporation may issue its bonds for the construction of its work, upon such rates and terms as it may deem expedient, not exceeding the amount of its capital stock, and secure the same by mortgage of the franchise and property of said corporation.

Capital stock.

Section 8. The capital stock of said corporation shall be not less than twenty-five thousand dollars nor more than five hundred thousand dollars and shall be divided into shares of ten dollars each. The capital stock may be increased from time to time, in such manner and under such restrictions as are provided for the increase of capital stock of corporations under the general laws. The capital stock may be divided into two classes, with such designations, preferences, voting powers, restrictions and qualifications thereof as shall be fixed and determined in the by-laws or by vote of the stockholders, at a meeting duly called for that purpose. Manufactories and other business corporations doing business in said Hampden are hereby authorized to subscribe, hold and pay for stock in said corporation.

—Capital stock may be increased.

—may be divided into two classes.

First meeting, how called.

Section 9. The first meeting of this corporation shall be called by written notice, signed by one of the incorporators and served upon each of the other incorporators, in person or by mailing the same, at least seven days before the day of said meeting.

May make contracts for supplying water.

Section 10. Said corporation is hereby authorized to make contracts with said town of Hampden, and with other corporations and individuals, for the purpose of supplying water for municipal and other purposes; and said town of Hampden, by its selectmen, is hereby authorized to enter into contract with said corporation for the supply of water, with such exemption from public burden as said corporation may agree upon, which, when made, shall be legal and binding upon all parties thereto.

Town of Hampden may purchase system after five years.

Section 11. Said town of Hampden 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 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, said system of water works including everything appertaining thereto, and if said town and corporation cannot agree upon the terms and price,

then such terms and 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; provided this act shall not take effect, if, on or before July first, nineteen hundred fifteen, the city of Bangor shall extend its municipal water service including mains, pipes and other structures necessary for supplying the town of Hampden or the inhabitants thereof with pure water into the town of Hampden.

CHAP. 219

—terms of sale and price, how determined.

—proviso.

Section 12. For the purposes of this act, the city of Bangor is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads, street railroads and bridges in said Hampden, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for said purpose, under all the conditions, restrictions, laws, ordinances, and rules as given said city of Bangor in the use, management and extension of its water system.

City of Bangor may lay pipes, etc.

Section 13. Said city of Bangor is authorized to make contracts with said town of Hampden and with other corporations and individuals for the supplying of water for municipal and other purposes; and said town of Hampden by its selectmen is hereby authorized to enter into contract with said city of Bangor for water for fire and other municipal purposes.

City of Bangor may contract for supplying water.

Section 14. Before this bill or any part thereof shall take effect, the same shall be accepted at any legally called town meeting of the inhabitants thereof by a majority vote of those present.

This act shall be accepted by voters.

Approved April 4, 1913.

Chapter 219.

An Act to Provide for the Determination and Payment of Damages in Connection with the Building of the State Bridge Between the City of Old Town and the Town of Milford and the Grading of the Highway and Approaches Thereto.

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

Section 1. All damages sustained by any person, persons, or corporation by reason of the locating, building or repairing the state highway bridge, and the approaches thereto, between the city of Old Town and the town of Milford in the county of Penobscot, or by reason of the grading of the highway to conform to the approaches of said bridge shall be determined by the county commissioners of Penobscot county, according to

Damages, how determined.