

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

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

Published by the Secretary of State.

AUGUSTA

KENNEBEC JOURNAL PRINT

1915

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Seventh
Legislature

1 9 1 5

CHAP. 154

Chapter 154.

An Act Establishing a Close Time on Lobsters in the Towns of Cutler, Trescott and Lubec, in Washington County.

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

Certain waters named herein closed to lobster fishing.

Section 1. No person shall take, catch, kill or destroy any lobsters, between the first day of July and the fifteenth day of September in each year, in any of the waters in the towns of Cutler, Trescott and Lubec, in Washington county; and in the waters embraced within the following bounds, viz: Commencing at Township rock in said town of Cutler; thence running south southwest, two and three-fourths miles; thence south southeast, one-half mile; thence south by west three-fourths west, to the three mile limit; thence running along said three mile limit to a point three miles southeast from West Quoddy Head, no person shall set a trap for the purpose of taking, catching, killing, or destroying any lobsters between said dates, under a penalty of five dollars for each lobster so taken, caught, killed, destroyed or trapped, and a further penalty of five dollars for each trap so set.

—penalty

—fines and penalties, how recovered.

Section 2. All fines and penalties provided for by this act may be recovered as provided by section forty-eight of chapter two hundred eighty-five, of the Public Laws of eighteen hundred ninety-seven.

Approved March 30, 1915.

Chapter 155.

An Act to Incorporate the South Berwick Sewer Company.

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

Incorporators.

Section 1. Charles N. Harvey, Thomas Booth and Denis J. O'Brien, all of South Berwick, in York county, their associates, successors, and assigns are hereby made a corporation under the name of The South Berwick Sewer Company for the purpose of providing a system of sewers and drainage for the town of South Berwick or any part of said town for the comfort, convenience and health of the people of South Berwick, with all the rights, powers, privileges and immunities, incident to such corporations.

—corporate name.
—purpose.

—may acquire or sell property.

—issue stocks and bonds.

Section 2. Said corporation may acquire and hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount twenty thousand dollars, may sell and convey the same, and may issue certificates of stock to an

amount not exceeding ten thousand dollars and may issue and sell bonds to the amount of ten thousand dollars, secured by mortgage of its works and franchise, to aid in the construction of its works.

Section 3. Said corporation is hereby authorized to take and hold by purchase or otherwise any land or real estate or easement therein, necessary for forming basins, reservoirs and outlets, for erecting buildings, for pumping works and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters, and for any other objects necessary, convenient and proper for the purpose of this act.

—holding of land, where necessary, permitted.

Section 4. Said corporation may construct conduits in manner aforesaid in and through said village of South Berwick to and into the Salmon Falls river, the discharge therefrom to be at such point in said river as is most convenient, and convey through the same, sewerage, surface water and the natural flowage of existing water courses and secure and maintain basins, reservoirs and outlets; may construct and maintain flush tanks, manholes, lampholes and all usual appliances public and private; may build and maintain pumping stations and buildings, constructions and appliances for collecting, holding, distributing and disposing of sewerage matter, may establish regulations for the use of sewers and fix and collect the prices to be paid for entering the same and also the annual rentals for using thereof, and said corporation is hereby authorized for the purpose aforesaid, having first obtained the permission of the municipal officers of said towns and under such restrictions and regulations as said officers may prescribe, to lay down through the streets, highways and lands of said town, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary for the objects of its incorporation; to carry and lay conduits under any watercourse way, public or private, in the manner prescribed by law, and to cross any drain or sewer or if necessary to change its direction in such manner as not to obstruct the use thereof, and to enter and dig up any such street, road or way, for the purpose of laying pipes beneath the surface thereof, for placing manholes or other fixtures and for maintaining and repairing the same and in general to do any other act or things necessary, convenient and proper to be done for the purpose of this act.

—rights and privileges of corporation defined.

Section 5. In case of any crossing of a railroad, unless consent is given by the company, owning or operating such railroad as to place, manner and condition of the crossing within thirty days after such consent is requested by said The South Ber-

—crossing property held by railroad.

CHAP. 155 wick Sewer Company, the Public Utilities Commission shall determine the place, manner and conditions of such crossing and all work within the limits of said railroad location shall be done under the supervision and to the satisfaction of said railroad company, but at the expense of the said The South Berwick Sewer Company.

—filing of certificate.

Section 6. Said corporation shall file in the registry of deeds for York county, a certificate containing a description of the land taken, or on which an easement may be taken under the provisions of this act and a statement of the purposes for which it is taken, to be recorded by the register and such land or easement shall be deemed to be taken upon the filing of such certificate.

—damages.

Section 7. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property, by the taking of any land or easement therein, under the provisions of this act; and if any person sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages by the locations of highways.

Corporation cannot discriminate.

Section 8. Said corporation, at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said company, and payment of the prices and rentals established therefor.

Penalty for damaging property of corporation.

Section 9. Any person, who shall place or leave any offensive or injurious matter or materials on the conduits, catch basins, or receptacles of said corporation, contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, lamp hole, outlet, engine pump or other property held, owned or used by said corporation for the purposes of this act, shall pay twice the amount of damages to said corporation, to be recovered in any proper action; and every such person, on conviction of either of said acts of wilful injury aforesaid, shall be punished by fine not exceeding two hundred dollars or by imprisonment not exceeding one year.

—liable for damages.

Section 10. Said corporation shall be liable to any person injured by any fault of said corporation or its agents, or by any defect in the highways occasioned by the construction of the works of said company, during such construction or after same have been completed, or while the same shall be undergo-

ing repairs, or extensions are being made; and said corporation shall also be liable to the town of South Berwick for any and all costs, damage and expense, which said town may suffer or be put to by reason of the default, neglect, negligence or carelessness of said corporation or any of its officers, servants or agents.

Section 11. Should the town of South Berwick at any time at a meeting duly called for the purpose, vote to take over the works of said company, and at any time inform the said company of its intention to take over the said works, then and in that case the said company will, within sixty days after receipt of notice of such intention of the said town, and upon the tender of the fair market value at the time, of the said works of the said company, which said value shall not be less than the actual cost thereof with interest, convey and make over to the said town the said sewer works and system in their entirety, as they then exist and make, execute, acknowledge and deliver such deeds, conveyances, transfers or other instruments as may be necessary to secure to the town all and every right, title and interest whether in law or in equity, which the said company may have in said sewer works and system.

Town of South Berwick may take over works of said company.

Section 12. Should said sewer works and system be taken over by the town, as aforesaid, the consideration to be paid by the town therefor, subject to the limitation in the preceding section, shall be the fair market value of the said works at the time of taking, as may be agreed upon by the parties thereto, and should said parties be unable to agree upon the amount to be so paid, the same shall be left to the determination of three persons to be chosen as follows: namely, one who shall not be a lawyer, to be selected by the company, one who shall not be a lawyer to be chosen by the municipal officers of the town, and another who shall be learned in the law, to be chosen by the Chief Justice of the Supreme Judicial court, whose finding in the matter shall be final and conclusive between the parties.

Value of property, how to be determined.

Section 13. Said town of South Berwick is hereby authorized to contract with said corporation by its municipal officers or other agent thereunto duly authorized by vote of said town for the sewerage of its buildings, and the sewerage and drainage of the surface water from its streets and ways, upon such terms and for such periods as may be mutually agreed upon.

May contract with company for sewerage of town buildings.

Section 14. The affairs of said corporation shall be controlled by a board of directors, consisting of not less than three members, two of whom shall be citizens of the town of South

Board of directors shall control company's affairs.

CHAP. 156 Berwick, elected annually by vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may, from time to time, be required by the by-laws of the corporation.

—first meeting.

Section 15. Any one of the persons mentioned in the first section of this act, may call the first meeting of said corporation by giving seven days' written notice to each of the others.

Approved March 30, 1915.

Chapter 156.

An Act Additional to Chapter One Hundred Eighty-one of the Private and Special Laws of Nineteen Hundred Eleven, Entitled, "An Act to Establish in Cumberland County a County Farm."

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

County commissioners may borrow money for county farm.

The county commissioners of the county of Cumberland are hereby authorized to borrow a sum of money not exceeding fifty thousand dollars to be used for the erection of buildings on the Cumberland county farm and for the purchase of furnishings for said buildings and for the purchase of stock, tools and implements, necessary for the proper conduct and management of said county farm, and to issue interest bearing bonds of said county of Cumberland for that purpose. Said bonds shall be signed by the treasurer of the county, countersigned by the county commissioners and attested under the seal of the county by the clerk of courts of said county.

—issue bonds.

Approved March 31, 1915.

Chapter 157.

An Act to Amend Section Three of Chapter One Hundred Ninety-nine of the Private and Special Laws of Nineteen Hundred Thirteen, Relating to the Collection of Assessments for Street Improvements in the City of Bath.

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

Ch. 199, Sec. 3 P. & S. Laws, 1913, amended.

Section three of chapter one hundred ninety-nine of the Private and Special Laws of nineteen hundred thirteen is hereby amended by striking out all of said section, and inserting in place thereof the following:

—lien upon real estate created.

'Section 3. All assessments, so made and committed to said collector of taxes for collection, shall constitute a lien upon the real estate so assessed, to continue in force until paid, and if not paid on or before the first day of November next after the