

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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THE LEWISTON JOURNAL CO.  
LEWISTON, MAINE  
1917

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth  
Legislature

1917

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## Chapter 104.

An Act to Incorporate The Dirigo Water Company.

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

**Sec. 1. Corporators, name and purposes.** Fred R. Ayer, George E. Hyde and Albert D. Pomeroy, all of Bangor, and Stuart W. Webb, of Boston, their successors and assigns, are hereby made a corporation by the name of The Dirigo Water Company, for the purpose of supplying upon the conditions hereinafter contained, the city of Brewer and the towns of Veazie, Orrington, Eddington and Holden, or any of them, and the inhabitants thereof with water for domestic, municipal and industrial purposes.

**Sec. 2. Source of supply; proviso.** The company for such purposes may take, store, divert and use the water of Brewer pond lying in the towns of Bucksport, Orrington and Holden in the counties of Hancock and Penobscot, and of its tributaries wherever situated; provided, however, that at all times unless otherwise agreed by the Eastern Manufacturing Company, after the city of Brewer and the inhabitants thereof have been supplied by the company with sufficient water for municipal and domestic purposes, sufficient water shall be allowed to flow out of Brewer pond down the Segeunkedunk stream as far as the present intake pipes of the Eastern Manufacturing Company to supply that company with the same quantity of water it now uses at its plant in South Brewer, and may locate, construct and maintain dams, gates, reservoirs, pipes, hydrants and other necessary structures.

**Sec. 3. May take land, or interest therein, etc.** The company may take and hold by lease, purchase or by condemnation proceedings land or any interest therein or water rights or any interest therein necessary for erecting dams for flowage purposes, or to create power for pumping, also for sites for reservoirs or other structures, also for preserving the purity of the water-shed, also for laying and maintaining pipes and other fixtures, also for taking and distributing water and also for increasing the storage capacity of Brewer pond or any pond tributary thereto.

**Sec. 4. May lay and maintain pipes, etc., along streets, highways, etc.; proviso.** The company may lay and maintain in, under or through any street, highway or way and across any private lands, pipes and other fixtures necessary and convenient for supplying said city and towns with water as herein provided and may repair and replace the same; and whenever said company shall lay pipes or other fixtures in, under or through any highway or way, it shall cause the same to be 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. The rights herein conferred upon the company to lay, construct and maintain pipes or other fixtures in, under, through, along and across the streets and highways or ways of the city of Brewer, shall not be exercised until consent thereto is given by the municipal officers of said city. This provision, however, is not to apply, after consent by said

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municipal officers has once been given to lay, construct, and maintain pipes, hydrants and other structures as above provided.

**Construction across railroad locations.** The company may lay, construct and maintain its pipes across the location of any railroad, but all work within the limits of any railroad location shall be done under the supervision of the chief engineer of such railroad company and at the expense of the water company.

**Damages.** The company shall be responsible for damages to persons and property occasioned by the use of such streets, highways and ways and shall be liable to pay to said city or towns any sums recovered against them, or any of them on account of obstructions placed therein by the company and the expenses, including reasonable counsel fees incurred in defending suits, commenced against said city or towns, providing the company shall have notice of such suits and an opportunity to come into court and defend.

**Sec. 5. General provisions as to rights and powers.** The company may take and hold any waters as limited in section two and also any lands necessary for dams, power stations, reservoirs, and other necessary structures, and may locate, lay, and maintain pipes, hydrants and other necessary structures or fixtures upon, over and through any lands for its said purposes, and may excavate in and through such lands for such locations, construction and maintenance. It may enter upon such lands to make surveys and locations. It shall file in the registry of deeds for the county in which such lands lie, plans of such locations and lands taken, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper published or printed, in said county, such publication to be continued three weeks successively. Not more than one rod in width of land shall be occupied by one line of pipe.

**Adjustment of damages.** Should the company and the owner of such land so taken be unable to agree upon the damages to be paid therefor, the damages shall be assessed in accordance with the law applicable at the time to the assessment of damages for land 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 of the county where the land is located such sums 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 thereby be rendered invalid, and said company shall forfeit all rights under the same as against such land owner. The 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 him by said company, he shall recover costs; otherwise said company shall recover costs. In case the company shall begin to occupy such lands before the rendition of final judgment the land owner may require the company to file its bond, running to him, with the county commissioners of the county in which the land lies, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against the company for such taking, holding and occupation until after such failure to pay or

deposit as aforesaid. Failure to apply for damages within two years by the land owner shall be held to be a waiver of the same.

**Sec. 6. May acquire property and franchises of Bangor Railway Electric Company.** The company shall acquire and hold by purchase the property, rights and franchises of the Bangor Railway and Electric Company owned and exercised by that company for the purpose of supplying the city of Brewer and the towns of Veazie and Orrington, or any of them and the inhabitants thereof with water.

**Sec. 7. May make contracts with other corporations and towns; expense, how met by towns.** The company may make contracts with other corporations and with the city of Brewer or the towns of Veazie, Orrington, Eddington and Holden, or any of them, or any village corporation therein to supply them with water as contemplated by this act, and said city by its city council and said towns by their municipal officers, or said village corporations by their assessors are authorized and empowered to enter into contracts with the company for a supply of water for public uses on such terms and for such time as the parties may agree, which when made shall be legal and binding on all parties thereto, subject always to the approval of the public utilities commission of Maine. And said city and towns may raise money as for other city and town charges, to carry out the provisions of any such contracts entered into by them.

**Sec. 8. Capital stock.** The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

**Sec. 9. May hold real and personal property.** The company for its said purposes, may hold real and personal estate necessary and convenient therefor.

**Sec. 10. Bond issue.** The company may issue its bonds in such amounts and upon such terms as the public utilities commission of Maine from time to time may order and direct, and secure payment of the same by a mortgage or mortgages of its property and franchise, now owned by it or hereafter acquired.

**Sec. 11. First meeting; how called.** The first meeting of the company may be called by a written notice thereof, signed by any corporator herein named, served upon each other corporator by giving him the same in hand, or by leaving the same at his last usual place of abode, seven days at least before the time of meeting.

**Sec. 12. Certain sections null and void unless specified provisions are carried out.** Sections two, three, four and five of this act shall be inoperative, null and void unless, and the rights herein granted are upon the express condition, the company first acquires by purchase the property, rights and franchises of the Bangor Railway and Electric Company, so far as the same are used at time of such purchase to supply the city of Brewer and the towns of Veazie and Orrington and the inhabitants thereof with water, and first enters into a contract with the city of Brewer to sup-

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ply the city of Brewer and the inhabitants thereof with water from Brewer pond and its tributaries, and the Bangor Railway and Electric Company is hereby authorized and empowered to sell and transfer its property, rights and franchises to the Dirigo Water Company as provided in section six.

**Sec. 13. Preservation of source of supply and water shed.** No person, firm, association, club or corporation shall hereafter build, maintain or occupy any structure in or upon or near the shores of Brewer pond or any pond or stream tributary thereto in such manner that the sewer or drainage therefrom shall enter the waters of Brewer pond 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 Brewer pond or into the waters of any pond or stream tributary thereto, or leave the same upon such 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 ponds and streams, or tend to render them injurious to health, be discharged into said waters or deposited therein or thereon.

**Sec. 14. Penalty for pollution of source of water supply.** Whoever violates any of the provisions of sections thirteen of this act shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year and the supreme judicial court shall have jurisdiction in equity to enjoin, prevent or restrain any violation of the provisions contained in section thirteen of this act.

**Sec. 15. Existing statutes continued in force.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. And all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes.

Approved March 26, 1917.

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## Chapter 105.

An Act Providing for the Licensing of Drivers of Automobiles for Hire in the Town of Eden.

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

**Sec. 1. Fee and by whom licensed.** No person shall set up, use, or drive any automobile for the conveyance of persons for hire in the town of Eden, unless said person is licensed by the selectmen, and the selectmen may grant such license on the payment of a license fee of one dollar, which license shall continue in force for one year from date.

**Sec. 2. Penalty for violation; jurisdiction.** Any person violating any provisions of the foregoing section shall be punished by a fine not exceeding twenty dollars for each offence to be recovered to the use of the town of Eden by complaint before any municipal court in the county of Hancock.