

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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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

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tion of the public health and safety of the State of Maine, the need therefor constitutes an emergency within the meaning of the provisions of the constitution of this state;

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

Sec. 1. \$60,000 appropriated for new building. The sum of sixty thousand dollars is hereby appropriated for the construction of a new building at the Augusta State Hospital to replace the building burned on the evening of March twenty-second, A. D. nineteen hundred seventeen.

Sec. 2. Expenditure of above amount. The said sum of sixty thousand dollars shall be spent under the direction of the hospital trustees with the consent of the governor and council.

Sec. 3. Construction to begin immediately; formalities waived and inconsistent statutes repealed. Immediately after the approval of this act by the governor it shall be the duty of the hospital trustees to start the construction of the building herein authorized and provided for. Said trustees are hereby authorized with the approval of the governor and council to waive all formality relating to the designing, contracting, and constructing of said building which would delay the starting immediately on the actual physical construction of the building herein provided for. All statutes and parts of statutes inconsistent herewith are hereby repealed.

Sec. 4. Emergency Clause. This act, two-thirds of all the members elected to each house so directing, shall take effect when approved by the governor.

Approved March 30, 1917.

Chapter 142.

An Act to Incorporate the Smyrna and Oakfield Water Company.

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

Sec. 1. Corporators, name and purposes. Elijah M. Chase, Ada G. Chase and Walter Estes, their associates and successors, are hereby made a corporation by the name of the Smyrna and Oakfield Water Company, for the purpose of supplying the inhabitants of the towns of Smyrna, Oakfield and Merrill, with pure water for domestic, sanitary, municipal and commercial purposes, including the extinguishment of fire, and such corporation shall possess all the powers, privileges and be subject to all the liabilities and obligations imposed upon corporations by law except as herein otherwise provided.

Sec. 2. Source of supply; territory covered. For any of the purposes aforesaid, the said corporation is hereby authorized to take and use water from the springs of water in lands owned by Fritz Soule in the town of Merrill, in the county of Aroostook, or from any spring, pond, brook or other waters in the towns of Smyrna, Oakfield and Merrill, in said county

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of Aroostook, to conduct and distribute the same into and through the said towns of Smyrna, Oakfield and Merrill, and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts and appurtenances.

Sec. 3. Construction of necessary works. The said corporation is hereby authorized to lay, construct, and maintain its lines of pipe in the towns of Smyrna, Oakfield and Merrill and to build and maintain all necessary structures therefor at such places as shall be necessary for the purposes of said corporation, and to cross any water course, private or public sewer or to change the direction thereof, when necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused thereby.

Sec. 4. Pipes, etc. may be laid and maintained along highways, etc.; responsibility for damages. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges, in said towns, and to take up, replace and to repair all such aqueducts, sluices, pipes, hydrants and other structures and fixtures as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the said towns may impose and the said corporation shall be responsible for all damages to said towns, and to all corporations, persons, and property, occasioned by such use of the highways, ways and streets. Whenever said corporation shall lay down, or construct, any pipes or fixtures in any highway, way or street, or make any alterations thereof, 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 practical, and shall at its own expense without any unnecessary delay, cause the earth and pavement then removed by it, to be replaced in proper condition.

Sec. 5. May take and hold necessary lands; plans to be filed in registry of deeds and public notice given. The said corporation is hereby authorized to take and hold by purchase or otherwise, any land necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipe and other necessary structures or fixtures, in, over and through any land for the said purposes, and excavate in and through such lands for said location, construction or erection, and in general, do any act necessary, convenient or proper, for carrying out any of the said purposes of incorporation. It may enter such lands and make surveys and locations, and shall file in the registry of deeds in the county of Aroostook, plans of such locations and lands, showing the property taken, within thirty days thereafter and publish notices of such filing in some newspaper, in said county, said publication to be continued three weeks successively.

Sec. 6. Adjustment of damages; bond may be required. Should the said corporation and owner of such land be unable to agree upon the damages to be paid for such location taken, holding, flowing and construction, such damages shall be assessed in accordance with the law applicable to the as-

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assessment of damages for ways taken by railroads. If said corporation shall not 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, or final judgment shall been received by the clerk of courts of said county, the said location shall be thereby invalid and the corporation shall forfeit all rights under the same, as against such land owners. In case the said corporation shall begin to occupy such land before the rendition to final judgment the land owner may require the said corporation to file its bond to him with the county commissioners, in such sum and with such sureties as they may approve, conditioned for said judgment or deposits. No action shall be brought against the said corporation for such taking, holding and occupation until after such failure to pay or deposit as aforesaid.

Sec. 7. Damages occasioned by taking of water by corporation. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed provided in the preceding section, and payment therefor 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.

Sec. 8. In case of disagreement with railroad company location to be determined by public utilities commission. In case of failure to agree with any railroad company as to place, manner and condition of crossing its railroad with such pipe, the place, manner and condition of such crossings shall be determined by the public utilities commission, and all works within the limits of the railroad location and lands shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company, but at the expense of said water company.

Sec. 9. May make contracts with towns, village corporations and individuals; taxes may be abated. The said corporation is hereby authorized to make contracts with the towns of Smyrna, Oakfield and Merrill, and with any village corporation in said towns, and with the inhabitants thereof, or any corporation doing business therein, for the supply of water for any and all the purposes contemplated in this act; and the said towns and any village corporation in the said town by their proper officers are hereby authorized to enter into any contract with the said corporation for its supply of water for any and all purposes mentioned in this act, and in consideration thereof to relieve said corporation from such public burdens by abatement or otherwise as said town, village corporation, and the said corporation may agree upon, which, when made, shall be legal, and binding upon all parties thereto.

Sec. 10. Penalty for pollution of supply or injury to works. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall wilfully, or maliciously injure any of the works of said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

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Sec. 11. Capital stock. The capital stock of the said corporation shall be fifty thousand dollars and said stock shall be divided into shares of twenty-five dollars each.

Sec. 12. Real and personal estate, limited. The said corporation, for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding fifty thousand dollars.

Sec. 13.—May issue bonds. The said corporation may issue its bonds, for the construction of its works, of any and all kinds upon such rates and time as it may be expedient, to the amount not exceeding its capital stock, and to secure the same by mortgage of its franchise and property.

Sec. 14. First meeting, how called. The first meeting of said corporation may be called by written notice therefor, signed by two of the incorporators herein named, served upon each of the incorporators by giving him the same in hand or by leaving the same at his last and usual place of abode, seven days at least before said meeting.

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 31, 1917.

Chapter 143.

An Act to Amend the Charter of the City of Augusta, Relative to Police.

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

Sec. 1. P. & S. L., 1915, c. 205, s. 4, amended. Section four of chapter two hundred and five of the private laws of nineteen hundred and fifteen hereby is amended so as to read as follows:

Sec. 4. Organization of police department, tenure of office, eligibility, etc.; board of police examiners created; appointment, duties, tenure, removal of police officers, proceedings. Status of present police force unaffected. The mayor shall appoint all city officers except those that are required by law to be elected by the qualified electors of said city or of the several wards in said city. The appointments shall be made and take effect as soon as convenient after the beginning of the mayor's term of office, and the officers appointed shall hold their offices during the term for which the mayor was elected; except that the commissioner of streets and the overseer of the poor shall be appointed triennially to hold office for the term of three years, and one assessor shall be appointed each year to hold office for the term of three years. Appointed city officers may be removed from office by the mayor for cause, otherwise they shall serve through their respective terms aforesaid and until their successors are appointed and qualified in their places. The mayor shall exercise the same power of ap-