

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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1917

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

Chapter 189.

An Act to Authorize the County of Piscataquis to Reimburse the Town of Brownville to the Extent of Thirty Per Cent. of its Disbursements in the Construction of a Bridge across Pleasant River.

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

Payment of \$3,900 authorized; how money shall be paid. The county commissioners of the county of Piscataquis are hereby authorized and directed to pay to the town of Brownville, the sum of three thousand nine hundred dollars, in payments as follows: One thousand nine hundred dollars on or before December first, nineteen hundred seventeen, and two thousand dollars on or before December first, nineteen hundred eighteen, the same being thirty per cent of the moneys expended by the said town of Brownville in the erection of a bridge across Pleasant river in said town of Brownville, during the latter part of the year nineteen hundred fifteen, and the spring of nineteen hundred sixteen.

Approved April 7, 1917.

Chapter 190.

An Act to Incorporate the Independence Developing Company, of Kingman.

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

Sec. 1. Corporators, name and purposes. W. H. Martin, Jerome Butterfield, O. W. Beatham, Hulbert Grant, Charles N. Thompson, J. J. McCormick, Byron E. Lindsay and W. I. Butterfield, their associates, successors and assigns, are hereby incorporated under the name of Independence Developing Company, for the purpose of doing a general manufacturing, illuminating, heating and power business in the town of Kingman, in Penobscot county; also for the purposes of creating, leasing and selling electricity and other power for manufacturing and other purposes. Also for the purpose of supplying the inhabitants of said town with water, lights and heat for all domestic, sanitary and municipal purposes, including the extinguishment of fires; also for the purpose of transmitting to points outside of said town electricity generated within said town to be leased or sold for manufacturing, illuminating, heating and power purposes, with the rights and privileges, and subject to the liabilities and obligations of similar corporations; also for the purpose of constructing and maintaining a sewerage system in the town of Kingman. And said company is authorized and empowered to purchase or otherwise obtain, and to sell or lease personal property, necessary for the prosecution of the purposes of the company, and generally to do all things necessary for and incident to such purposes, including the carrying on of a mercantile business in connection with any of the purposes of the company; also to take, hold and own, by purchase, the stock, bonds or other obligations of other similar corporations and of disposing of the same in any lawful manner.

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Sec. 2. Location of dams, canals, waterways, etc. Said company is authorized and empowered to locate, construct and maintain dams on the Mattawankeag river in said town of Kingman, between the mouth of the Moinkus stream, so-called, and a line drawn across said river which shall be a continuation of the line between the said town of Kingman and the town of Drew; provided, that suitable sluices are constructed and maintained by said company in said dams at its own expense for the passage of logs and other lumber running down said river. Said company is further authorized and empowered to cut, construct and maintain canals and other waterways from said dams to any point in said towns for the purpose of developing the water power on said river; and for the purpose of constructing said dams, canals and other waterways, it may take, occupy and enclose any lands adjoining the same on either side of said river which may be necessary for building or repairing the same and for other necessary purposes, and may blow and remove rocks in the river and dig up and remove land in said river when necessary.

Sec. 3. May erect poles, extend wires, lay pipes, etc.; proviso. Said company is further authorized and empowered to construct and maintain in, under, along, other than railroad bridges that now or may hereafter exist, pipes, hydrants, poles, wires and other structures necessary for the purposes of its incorporation, and to replace and repair the same when necessary; to enter upon and excavate any highway, or other ways, within said towns in such manner as least to obstruct the same; to take and hold, by purchase or otherwise rights of way, and in general to do any acts necessary, convenient or proper for carrying out any of the provisions of this act. Nothing in this act, however, shall be construed as giving said company the right to take any part of the right of way of any railroad company under the power of eminent domain given in this act. Said company may cross the right of way of any railroad company with wires, pipes, aqueducts or other structures mentioned in this act and in case of failure to agree with any railroad company as to place, manner and conditions of crossing its right of way with such wires, pipes, aqueducts or other structures, the place, manner and conditions of such crossings shall be determined by the public utilities commission and all work within the limits of any railroad company's location shall be done under the supervision and to the satisfaction of the officers and agents of such railroad company, but at the expense of said Independence Developing Company.

Sec. 4. May cross watercourses, public and private sewers, etc. Said company is further authorized and empowered within said town to cross any watercourse, private or public sewer, and to change the direction thereof, when necessary, but in such manner as not to obstruct or impair the use thereof, and said company shall be liable for any injury caused thereby. Whenever said company shall lay down or erect a structure in any highway, way or street or make alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done at its own expense, with as little obstruction to public travel as may be practicable.

Sec. 5. May erect dams at outlet of lakes tributary to Mattawankeag river; flowage damages; exemption and proviso. Said company may erect

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and maintain dams on land which it may acquire by purchase or lease at the outlet of any lake tributary to said Mattawamkeag river, or may acquire by purchase or lease any existing dams on said lakes for the purpose of holding, storing, regulating and controlling the flow of the waters of said Mattawamkeag river, and may hold, store, regulate and control, the waters raised by said dams and draw down the same as may be required for the purpose aforesaid, and said company is hereby empowered to flow such land as may be necessary to carry out the provisions of this act and such corporation shall be liable for all damages caused by said flowage to be ascertained and determined in the manner prescribed in chapter sixty-one of the revised statutes. Since all water held by all existing dams is subject to log driving purposes, nothing herein contained shall be considered as abridging or curtailing those rights or the existing rights of the Mattawamkeag Lake Dam Company, and nothing in this act shall apply to any waters in Washington county.

Sec. 6. Rights of way; adjustment of damages. Said company may enter for the location, erection and maintenance of the dam mentioned in this act, and may by its agents with teams, or otherwise, pass and re-pass over the land of other persons for the purposes aforesaid and for the operation and management of such dams. Said company shall be held liable to pay all damages that shall be sustained by any person or persons by the taking of any rights of way, or by excavating through any land for the purpose of surveying for, locating, laying, building or re-erecting dams, canals, reservoirs, pipes, hydrants, poles, piers and other structures by taking and holding any lands necessary for flowage, and for other injuries resulting from said acts. And if any person sustaining damage as aforesaid, cannot agree with said company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Penobscot county, within twelve months after plans are filed, as hereinafter provided may have said damages assessed by them and subsequent proceedings and right of appeal thereon shall be had in the same manner and under the same condition, restrictions and limitations as are by law prescribed in the case of damages of laying out highways; failure to apply for damages within said twelve months shall be held to be a waiver of the same.

Sec. 7. Locations and statement of damages, company willing to pay, to be filed in registry of deeds. Said company shall file in the register of deeds' office, in the county of Penobscot, plans for the location of lands taken under the provisions of this act, and no entry shall be made on lands owned by other persons, except to make surveys until the expiration of said ten days from filing, and with said plans said company may file a statement of the damages it is willing to pay for any property so taken, and if the amount finally awarded does not exceed the sum, the company shall recover costs against such persons, otherwise such persons shall recover costs against the company.

Sec. 8. May enter into contracts to supply water. Said company is further authorized and empowered to make contracts with other corporations and with the inhabitants of any city, town or village corporation which now or hereafter may exist, for the purpose of supplying water, light, heat

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or power as contemplated by this act, and any other corporation, and the inhabitants of any city, town or village corporation are hereby authorized to enter into contracts with said company for the supplying of water, light, heat or power for a term of years.

Sec. 9. Capital stock; bond issue authorized. The capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each. And for the purpose of carrying out any of the provisions for which said company is incorporated it is hereby authorized and empowered to issue its bonds in such form and amount and on such time and rates as it may deem expedient, not exceeding the amount of its capital stock actually subscribed for, and secure the same by mortgage of its property and franchises.

Sec. 10. First meeting, how called. Any two corporators named in this act may call the first meeting of this corporation, by mailing a written notice, signed by them, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting.

Sec. 11. Transmission beyond confines of state prohibited. It shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this state, or to contract with any person, firm or corporation for the transmission or sale of electric current beyond the limits of this state, and said corporation shall not be permitted to acquire in any manner the franchise of, or consolidate with, or transfer or lease its property, rights and franchises to, any other corporation, firm or person now transmitting or having the right to transmit electric power beyond the confines of the state, without express authority of the legislature.

Sec. 12. Property may be taken over by state; compensation, how determined; procedure in case of disagreement. All the property, rights and franchises within the State of Maine acquired, erected, owned, held or controlled by this corporation or its successors or assigns at any time after this act shall take effect, shall be subject to be taken over, and become the property of the state, whenever said state shall determine by proper legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to and vested in said state, and said state shall make just compensation to the owner or owners thereof for the property, rights and franchises so taken, except the franchises conferred by the State of Maine upon this corporation, which said franchises shall be wholly excluded in the determination of the amount to be paid to said corporation by the state. The fair value of the property, rights and privileges so taken by the state, subject to the exemption hereinbefore mentioned, shall be determined by agreement between this corporation and such officers and agents of the state as shall be thereunto authorized to act in its behalf by the act which authorized the taking of said property, rights and privileges; and failing of such agreement within six months after said act takes effect, the supreme judicial court in any county where any of the property, rights and privileges so taken are situated, may upon petition of

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either party appoint three disinterested persons as appraisers to fix and determine the amount of money to be paid for the fair value of the property, rights and privileges so taken, subject to the exception aforesaid; the method of procedure and the duties and powers of the appraisers to be determined by the act authorizing such taking.

Sec. 13. Proviso as to date when effective. This act shall not take effect until all rights and privileges of the Kingman Developing Company granted by chapter three hundred twenty-three of the private and special laws of nineteen hundred and seven, as revived and extended by chapter one hundred and two of the private and special laws of nineteen hundred fifteen shall have terminated and become null and void.

Approved April 7, 1917.

Chapter 191.

An Act Relating to Municipal Elections in the Town of Mount Desert.

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

Sec. 1. Referendum; elections to be conducted in accordance with following sections. The town of Mount Desert, Hancock county, Maine, may at any legal meeting of the voters called by a warrant containing an article for the purpose, accept the provisions of this act, and when so accepted, all elections for town officers now required by law to be chosen by ballot shall thereafter be in accordance with the provisions herein provided, except the moderator and town clerk, who shall be chosen as now provided by law.

Sec. 2. Town may determine officers to be chosen by ballots; exception. When said town so accepts the provisions of this act, it shall at the same time or meeting determine what officers, if any, not now required by law to be chosen by ballot shall be chosen in the manner herein provided. All such matters shall be stated in the warrant calling such meeting. No change shall be thereafter made in the officers to be chosen by ballot or in the number or terms thereof, except at a meeting held at least thirty days before any annual town election.

Sec. 3. Time of opening and closing polls to be stated in warrant. All warrants for town meetings for the election of officers as herein provided shall specify the time of opening the polls and the time when the same may be closed, but the polls shall be kept open at least three hours.

Sec. 4. Nomination of candidates, how made. Nominations for candidates shall be made by nomination papers signed in the aggregate for each candidate by qualified voters of said town not less in number than one for every twenty-five voters who have registered for the last preceding state election in said town; but the voters so signing shall in no case be less than twenty in number, and each voter may subscribe to as many nomination papers for each office as there are members to be elected thereto, and no more. Nomination papers shall, besides containing the names of candi-