

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

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and fifty-eight of the private and special laws of eighteen hundred and sixty-seven is hereby amended by striking out the word "fifty" in the first line and inserting in place thereof the words 'seventy-five' and by striking out the word "twenty" in the sixth line and inserting in place thereof the word 'thirty' and by striking out all of said section after the word "tolls" in the eighth line and inserting in place thereof the following: 'and said lien may be enforced in the manner provided by law for the enforcement of liens on logs and lumber', so that said section, as amended, shall read as follows:

'Sec. 4. Tolls increased; lien to be enforced in regular manner instead of as heretofore provided. The company may demand and receive a toll of seventy-five cents on each thousand feet, board measure, at the wood scale on all logs or lumber which may be driven down said stream from above the falls of said stream at Shepley Mills in Bradley and for all logs or lumber driven from below the said falls at Shepley Mills, the toll of thirty cents on each thousand feet, board measure, at the wood scale, and shall have a lien upon all said logs or lumber for the payment of the tolls, and said lien may be enforced in the manner provided by law for the enforcement of liens on logs and lumber.'

Approved March 12, 1919.

Chapter 52.

An Act to Incorporate the Industry Water Company.

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

Sec. 1. Corporators; name. John A. Goldsmith, R. A. Robbins, Frank G. True, Frank O. Sawtelle, J. H. Rackliff, Charles C. Durrell, Edward C. Clark, James H. Bailey, and Currier C. Holman, with their associates and successors, be and are hereby made a corporation under the name of the Industry Water Company, for the purpose of supplying the inhabitants of the town of Industry, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Sec. 2. Place of business. The place of business of said corporation shall be at Industry, in the county of Franklin and State of Maine.

Sec. 3. Supply. For any of the purposes aforesaid the said corporation is hereby authorized to take and use water from any spring, pond, brook, well or other waters wholly or partly in the town of Industry in Franklin county, and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, wells, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

Sec. 4. Territory; construction; liability. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the said town of Industry, and to build and maintain all necessary structures therefor, at such places as shall be necessary for the said 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 purpose 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 hereby.

Sec. 5. Powers and duties as to construction of system. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads, streams, river and bridges in the said town, and to take up, replace and 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 town may impose; and the said corporation shall be responsible for all damage to the said town and to all corporations, persons, and property, occasioned by such use of the highway, ways and streets. Whenever the said corporation shall lay down or construct any pipes or fixtures in any highway, way or street, or make any alteration 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 pavement then removed by it, to be placed in proper condition.

Sec. 6. May take over lands; procedure. The said corporation is hereby authorized to take and hold by purchase or otherwise any land necessary for flowage, and also for its drains, reservoirs, gates, hydrants, wells, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, hydrants, lines of pipes, and other necessary structures or fixtures, in, over and through such land for such location, construction and erection. And in general to do any act necessary, convenient or proper for carrying out any of the said purposes of incorporation. It may enter upon such land to make surveys and locations, and shall file in the registry of deeds in the county of Franklin plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notices of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by more than one line of pipe or aqueduct.

Sec. 7. Procedure in case of disagreement. Should the said corporation and the owner of such land be unable to agree upon the damage to

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be paid for such location, taking, holding, flowing and construction, the land owner of said corporation may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Franklin, and cause such damages to be assessed in the same manner and under the same conditions as are prescribed by law in the case of damages by the laying out of highways, as far as such law is consistent with the provisions of this act. If said corporation shall fail to 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 of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and the said corporation shall forfeit all rights under the same as against such land owner. In case the said corporation shall begin to occupy such land before the rendition of final judgment the land owner may require the said corporation to file its bond to him with the said 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. 8. Damages caused by the taking of water. Any person suffering damage by the taking of water by said company as provided by this act, may have his damage assessed in the same manner 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 expiration of the time of payment and a tender by said company may be made with the same effect as in the preceding section.

Sec. 9. Contracts for supply of water. The said corporation is hereby authorized to make contracts with the United States, the State of Maine, the county of Franklin, the town of Industry and with any village corporation in the said town and with the inhabitants thereof, or any corporation doing business therein or water district, for the supply of water for any and all the purposes contemplated in this act; and the said town by its proper officers is hereby authorized to enter into any contract with the said corporation for a 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, water district may agree upon, and said contract shall be legal and binding upon all parties thereto.

Sec. 10. Corruption of supply. 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 the said corporation, shall be pun-

ished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage to be recovered in any proper action.

Sec. 11. Certain areas of Clear Water pond closed to bathers. No person shall go in bathing or swimming in Clear Water pond within three hundred yards of the breakwaters to said Clear Water pond, said breakwaters being at a source of supply to said corporation. Whoever violates the provision of this section shall be punished by a fine of twenty-five dollars.

Sec. 12. Capital stock. The capital stock of the said corporation shall be ten thousand dollars; and the stock shall be divided into shares of fifty dollars each.

Sec. 13. May hold real and personal estate. The said corporation, for all its said purposes, may hold real and personal estate necessary and convenient therefor.

Sec. 14. Bond issue authorized. 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 deem expedient, to an amount not exceeding its capital stock subscribed for, and secure the same by mortgage of its franchise and property.

Sec. 15. First meeting, how called. The first meeting of the corporation shall be called by a written notice therefor, signed by any two of the named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Franklin.

Sec. 16. Town of Industry may take over system; procedure in case of disagreement as to purchase price. Said town of Industry or any water district including said town or a portion of said town, 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 or any water district including said town or a portion of said town, said system of water works including everything appurtenant thereto, and if said town or said water district and said corporation cannot agree upon the terms and price, then such terms and such 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.

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Sec. 17. Prior acts still in force. Nothing herein contained shall be construed as a repeal of any portion of chapter one hundred twenty-nine of the private and special laws of Maine for the year one thousand nine hundred and thirteen, or any act additional thereto or amendatory thereof.

Approved March 12, 1919.

Chapter 53.

An Act to Extend and Amend the Charter of the Eastern Maine Railroad.

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

Sec. 1. Charter extended. The rights, powers and privileges of the Eastern Maine Railroad, which were granted by chapter one hundred and eighty-eight of the private and special laws of nineteen hundred and eleven, extended and amended by chapter eighty-six of the private and special laws of nineteen hundred and thirteen, further extended by chapter three of the private and special laws of nineteen hundred and fifteen, and which were further extended and amended by chapter sixty-nine of the private and special laws of nineteen hundred and seventeen, are hereby extended for two years additional, and the persons named in said act and their associates and successors shall have the rights, powers and privileges that were granted to them by said act and the amendments thereof, to be exercised by them for the same purposes as specified in said act and the amendments thereof.

Sec. 2. Prior acts still 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, and acts amendatory thereof or additional thereto.

Approved March 12, 1919.

Chapter 54.

An Act to Incorporate the Steep Falls Water Company.

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

Sec. 1. Corporators and name. Benjamin E. Cousins, Alice J. Cousins and Augustus F. Moulton with their associates and successors are hereby made a corporation under the name of Steep Falls Water Company for the purpose of supplying the inhabitants of the towns of Standish and Limington with suitable water for industrial, domestic, sanitary and municipal purposes, including the extinguishment of fires; with all the rights