

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

Chapter 108.

An Act to Amend Section One, of Chapter Eighty-five, of the Private and Special Laws of Nineteen Hundred and Fifteen, as Amended by Section One, of Chapter One Hundred and Eighty-one, of the Private and Special Laws of Nineteen Hundred and Seventeen, Relating to Better Protection of Lobsters within Certain Waters Adjacent to Hancock County.

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

Sec. 1; 1917, c. 181, § 1; relating to the taking of lobsters in certain waters in Hancock County, adjacent to the town of Brooklin, amended. Section one of chapter eighty-five of the private and special laws of nineteen hundred and fifteen, as amended by section one, of chapter one hundred eighty-one of the private and special laws of nineteen hundred and seventeen, is further amended, so that said section, as amended, shall read as follows:

'Sec. 1. Limits changed. No person shall take, catch, kill or destroy any lobsters between the first day of July and the first day of September in each year in any of the waters of Hancock county between a line on the east, extending due north and south through Egg Rock Light in Frenchman's Bay and a line on the west and south, beginning at the extreme southwestern point of Mt. Desert Island known as Lopaus Point; thence in a northerly direction along the west side of Mt. Desert Island to the western point of High Head, thence in a westerly direction to the northern point of Bartlett's Island, thence in a westerly direction to the southern point of Newberry Neck, thence in a northwesterly direction to southern end of Woods Point, thence in a southerly direction to the north end of Long Island, thence along the easterly side of said Island to its southern point, thence in a southerly direction to the north end of Tinkers Island, thence along the east side of said Island, to its eastern point, thence in a southerly direction and in a direct line to the western end of Little Gotts Island, thence in a due southeast course three nautical miles, thence due northeast to a line running due south through Egg Rock Light; and no person shall set a trap within said water for the purpose of taking, catching, killing or destroying any lobsters between said dates, under a penalty of one dollar for each lobster so taken, caught, killed or destroyed and under a penalty of five dollars for each lobster trap so set for said purpose.'

Approved April 4, 1921.

Chapter 109.

An Act to Incorporate the Ashland Electric Light and Power Company.

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

Sec. 1. Incorporators; corporate name; purposes and territorial limits. George H. Mooers, Linnie C. Mooers and Nathaniel Tompkins,

their associates, successors and assigns are hereby incorporated under the name of the Ashland Electric Light and Power Company, for the purpose of manufacturing, selling, generating, distributing and supplying electricity for lighting, heating, traction, manufacturing or mechanical purposes in the towns of Ashland, Garfield, Masardis, Nashville and Portage Lake, in the County of Aroostook and State of Maine, or for any or either of such purposes, with all the rights, powers and privileges, and subject to all the restrictions and liabilities by law incident to similar corporations.

Sec. 2. Authorized to construct a dam on Big Machias stream in Ashland and Garfield. Said company is authorized to locate, construct and maintain a dam or dams on the Big Machias stream in the towns of Ashland and Garfield in said county, at or near the site of the old dam, provided that suitable sluices are constructed and maintained by said company in said dam or dams east of the center line of said dam, at its own expense, for the passage of logs and other lumber down said river.

Sec. 3. Right of eminent domain; adjustment of damages; shall not flow mill privilege without consent of owner. Said corporation is hereby empowered to, take and hold as for public use, such lands as may be necessary for erection and maintenance of said dams; and in case said corporation cannot agree with the owner or owners as to the amount of land to be taken or the price to be paid therefor, the said amount or price shall be determined by the county commissioners of Aroostook county, upon the application of any interested party to said county commissioners, in the manner provided by the statutes of the State of Maine, for the assessment of damages for the location, alteration, and discontinuance of highways, and the same rights of appeal from the decision of said county commissioners shall exist, and may be prosecuted in the same manner as provided in said statutes. The said corporation is hereby empowered to flow such lands as may be necessary to carry out the purposes of this act; but said company shall have no right to flow any mill privilege upon which a dam is now built without consent of the owner thereof.

Sec. 4. Procedure as to exercise of right of eminent domain. Said corporation shall file in the registry of deeds for the County of Aroostook plans of the location of all water rights or land taken under the provisions of this act, and no entry shall be made upon lands owned by other persons except to make surveys until ten days from said filing, and with such plan said company shall file a statement of the damages it is willing to pay to any person for property so taken or for flowage so caused, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person; otherwise such person shall recover costs against the company.

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Sec. 5. Adjustment of damages in case of dispute; failure to apply within three years to be deemed a waiver. Said company shall be held liable to pay all damages that shall be sustained by any person or persons by the taking of any lands, water rights or land flowage; and if any person sustaining damage as aforesaid shall not agree with said company upon the sum to be paid therefor, either party on petition to the county commissioners of Aroostook county within three years after said plans are filed may have the said damages assessed by them, and subsequent proceedings and the right of appeal therein shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said three years shall be held to be a waiver of the same.

Sec. 6. Capital stock; may hold stocks and bonds of other corporations. The capital stock of said company shall not exceed fifty thousand dollars divided into shares of one hundred dollars each. Said company may hold all real and personal estate necessary and convenient for the purposes aforesaid. It may also hold stocks and bonds of other corporations organized under the laws of Maine.

Sec. 7. Authorized to set poles and extend wires through certain towns, for the purpose of transmission of electric current; may make contracts. Said corporation is hereby authorized to set poles and extend wires in and through the streets and ways of the towns of Ashland, Garfield, Masardis, Nashville and Portage Lake, for the purpose of furnishing electric lights for public and private use within said towns, subject to the permission of the municipal officers thereof under such reasonable restrictions as they may impose, and subject to the general laws of the state regulating the erection of posts and wires for electrical purposes. It is also empowered to transmit electric power for lease or sale to such points in said towns as may be feasible, in such manner as may be expedient, and, subject to the general laws aforesaid, it may erect and maintain all posts, wires and fixtures necessary therefor. Said corporation is authorized to make contracts with said towns for public lighting and said towns are authorized to so contract for a term of years.

Sec. 8. Bond issue authorized. Said Ashland Electric Light and Power Company may issue its bonds and notes in such amounts as may be required for the purposes of its incorporation and for the purposes authorized by this act, and secure the same by mortgage on the franchises and property of said company in the manner prescribed by the general laws of the state governing such corporations.

Sec. 9. First meeting, how called. The first meeting of said corporation may be called by written notice thereof, signed by any incorporator herein named, served upon each incorporator by a copy of the same in hand or mailed, postage paid, at least seven days prior to the day named therein for such meeting.

Sec. 10. Existing statutes not affected. 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.

Sec. 11. State may take over property and franchises. The State of Maine reserves the right to acquire by proper legislation and by such agencies as it may provide for the purpose the whole or any part of the franchises and rights hereby granted and the whole or any part of the structures erected by authority of this act upon the payment of just compensation; but such compensation shall not include the value of the franchises granted by this act.

Sec. 12. Shall not transmit electric current beyond state. 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 franchises 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.

Approved April 4, 1921.

Chapter 110.

An Act to Amend Sections One and Four of Chapter Eighty-one of the Private and Special Laws of Nineteen Hundred and Fifteen, Relating to Winthrop Water Company.

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

Sec. 1. P. & S. L., 1915, c. 81, § 1; relating to the incorporation of the Winthrop Water Co., amended. Section one of chapter eighty-one of the private and special laws of nineteen hundred and fifteen is hereby amended by inserting after the word "purposes" in the eighth line thereof the words, 'and for the purpose of a drainage and sewerage system in Winthrop Village, so-called, in said Town of Winthrop,' and by adding at the end of said section the following words: 'Provided, however, that