

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fourth  
Legislature

1929

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### Chapter 43.

An Act to Amend the Certificate of Organization of the Damariscotta Newcastle Water Company.

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

**Sec. 1. Corporate purposes added to.** The certificate of organization of the Damariscotta Newcastle Water Company is hereby amended by adding to its statement of corporate purposes the following, to wit: to purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bonds, securities or evidences of indebtedness created by any other corporation or corporations of this or any other state, territory or country and while the owner of such stock, bonds, securities or evidences of indebtedness to exercise all the rights, powers, privileges of ownership, including the right to vote thereon; also to build, create, develop, purchase, procure, hold, operate, sell, assign, mortgage or otherwise dispose of plants and properties for supplying water for all purposes, water works, plants and systems and any real or personal property used or useful in connection therewith.

**Sec. 2. R. S., c. 55, to govern.** Nothing herein 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 15, 1929.

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### Chapter 44.

An Act to Incorporate the Franklin Water Company.

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

**Sec. 1. Corporators; corporate name; purposes.** P. L. Homer, W. E. Bragdon, C. C. Blaisdell, William F. Jordan and H. L. Fernald, all of the town of Franklin, Hancock county, their associates, successors and assigns, are hereby made a corporation by the name Franklin Water Company, for the purpose of supplying the village of Franklin in the county of Hancock and the inhabitants of said town with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires, with all the rights and privileges and subject to all the liabilities and obligations of similar corporations under the laws of this state.

**Sec. 2. Source of supply; may construct dams, lay pipes, etc.** Said company for said purposes may retain, collect, take, store and distribute water from any springs or wells that it may acquire by purchase of the

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owners thereof, or from any ponds, streams or other sources in said town of Franklin and may locate, construct and maintain cribs, reservoirs, dams, stand-pipes, gates, hydrants, pipes and all other necessary structures to conduct and distribute the same through said town of Franklin.

**Sec. 3. Place of business.** The place of business of said corporation shall be at Franklin, in the county of Hancock and state of Maine, and its business shall be confined to said town of Franklin in said county.

**Sec. 4. Authorized to lay pipes in streets; responsibility for damages.** Said corporation is hereby authorized for the purposes aforesaid, to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said town may impose. It shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town for damages for obstruction caused by said company and for all expenses, including reasonable counsel fees incurred in defending such suits with interest on the same, provided said company shall have notice of such suits and opportunity to defend the same.

**Sec. 5. Authorized to cross water course and sewers; work in highways.** Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof, when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it shall be liable for any injury caused thereby. Whenever said company shall lay down any fixtures in any highway, way or street, or make any alterations 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 pavements there removed by it to be replaced in proper condition.

**Sec. 6. Damages for flowage and excavation through lands; how assessed.** Said corporation shall be held liable to pay all damages that shall be sustained by any person by the taking of any land or other property or by flowage, or by excavating through any land for the purposes of laying down pipes and aqueducts, building dams, reservoirs, and also damages for any other injury resulting from said acts; and if any person sustaining damage as aforesaid and said corporation cannot mutually

agree upon the sum to be paid therefor, either party on petition to the county commissioners of Hancock county, may have the damages assessed by them, and subsequent proceedings and rights of appeal thereon shall be had in the same manner and under the same conditions, restrictions and limitations as are by law provided in case of land taken for railroads.

**Sec. 7. Right to hold property limited.** Said corporation may hold real and personal estate necessary and convenient for all its said purposes to the amount of thirty thousand dollars.

**Sec. 8. Authorized to issue bonds.** Said corporation may issue its bonds for the construction of its works, upon such rates and terms as it may deem expedient, not exceeding thirty-five thousand dollars and secure the same by mortgage of the franchise and property of said company.

**Sec. 9. Capital stock.** The capital stock of the said corporation shall be thirty-five thousand dollars and said stock to be divided into three thousand five hundred shares of ten dollars each.

**Sec. 10. First meeting of corporation.** The first meeting of this corporation may be called by a written notice, signed by any one of the incorporators and served upon each of the other incorporators at least seven days before the day of said meeting.

**Sec. 11. Authorized to make contracts for supplying water.** Said corporation is hereby authorized to make contracts with said town of Franklin, and with other corporations and individuals, for the purpose of supplying water for municipal and other purposes; and said town by its selectmen, is hereby authorized to enter into contract with said company for the supply of water with such exemption from public burden as said town and said water company may agree upon, which, when made, shall be legal and binding upon all parties thereto.

**Sec. 12. Town authorized to purchase water system.** Said town of Franklin may 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 said system of water works including everything pertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine after due hearing of the said parties interested, and from the decision of said chief justice, there shall be no appeal.

**Sec. 13. R. S., c. 55, to govern.** Nothing herein contained is intended

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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 all acts amendatory thereof or additional thereto.

Approved March 15, 1929.

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## Chapter 45.

An Act to Increase the Jurisdiction of the Auburn Municipal Court.

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

P. & S. L., 1915, c. 194, sec. 2; P. & S. L., 1919, c. 3; relating to jurisdiction of Auburn municipal court, subsection repealed. Subsection IV, of section two of chapter one hundred and ninety-four of the private and special laws of nineteen hundred and fifteen, as reenacted by chapter three of the private and special laws of nineteen hundred nineteen, is hereby repealed, and the subsection herein following enacted in lieu thereof:

**IV. Civil actions limit \$300.** Original jurisdiction concurrent with the superior court and the municipal court of the city of Lewiston, of all civil actions in which the debt or damages demanded exceed twenty dollars but do not exceed three hundred dollars, and the defendant or a party summoned as trustee resides within the county of Androscoggin; provided however, that any action wherein the debt or damage demanded exceeds twenty dollars, brought in said court, shall be removed by order of the judge into the superior court, on motion of the defendant, filed at the return term, if he files therewith, at the same time, an affidavit that he believes he has a good defense to said action, in whole or in part, and in good faith intends to make such defense, and deposits with the clerk the fee of the clerk of the court above for entering said action therein; and when such removal has been ordered, the clerk shall file in the superior court at its next term in the county, an attested copy of the writ in such action and of said motion and affidavit, and order of court thereon, and pay to the clerk of said court the fee for entering the same, for which services he shall be entitled to the same fees allowed for the necessary copies in actions carried up by appeal, to be paid him by the defendant and recovered by him with costs, if he prevail in the suit.'

Approved March 15, 1929.