

# 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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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 92.

An Act to Extend the Charter Granted to the Sandy River and Rangeley Lakes Railroad Company.

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

**Charter extended.** The act of incorporation of the Sandy River and Rangeley Lakes Railroad Company, being chapter ninety-nine of the private and special laws of nineteen hundred and twenty-seven, is hereby extended for two years from the date when this law becomes effective, with the same force and effect in all respects as if said incorporation were hereby granted.

Approved April 3, 1929.

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## Chapter 93.

An Act to Incorporate "Madawaska Water Company."

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

**Sec. 1. Corporators; corporate name; powers and privileges.** John J. Moore, Joseph W. Hammond, F. W. Pelletier, John J. Cyr, Frank D. Fournier, Joseph X. Cyr, Isaie L. Cyr, Henry J. Hart and Raymond Albert, their associates, successors and assigns, are hereby made a corporation by the name of "Madawaska Water Company," for the purpose of supplying the town of Madawaska in the county of Aroostook, and the inhabitants of, and property owners in said town with pure water for domestic, sanitary, manufacturing, municipal and public purposes, including the extinguishment of fires. Such corporation shall possess all the powers and privileges generally possessed by corporations by law, except as herein otherwise specifically provided.

**Sec. 2. Taking of water from springs; construction.** Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, except such springs as are in actual use for domestic purposes, ponds, streams, rivers, or other water sources, within said town of Madawaska, or from the St. John river, or from Long lake in the town of St. Agatha, county of Aroostook, and may locate, construct and maintain cribs, reservoirs, aqueducts, dams, standpipes, gates, hydrants, pipes, pumps, pumping machinery and stations, filtering and chlorinating plants and any and all other structures necessary therefor.

**Sec. 3. Authorized to construct and maintain sluices, aqueducts, pipes, etc.** Said company is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, streams, rivers, railroads and bridges in said town and to take up, replace,

maintain, and repair all such sluices, aqueducts, pipes, hydrants, and other structures as may be necessary or convenient for any of the purposes of its incorporation, so as not unreasonably to obstruct the same, and under such reasonable restrictions as the selectmen of said town may impose. Whenever said company shall lay down or construct any pipes or fixtures in any highway, way or street, or shall make any alteration or repair 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 there removed by it, to be replaced in proper condition.

**Sec. 4. May cross water course; public or private sewer; liable for injury.** Said company is hereby authorized to cross any water course, private or public sewer, or to change the direction thereof, whenever necessary or convenient 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.

**Sec. 5. Right of eminent domain.** Said company is hereby authorized to take and hold by purchase or otherwise any waters as limited in section two hereof, and also any land necessary for flowage or for its cribs, reservoirs, aqueducts, dams, standpipes, gates, hydrants, pipes, pumps, pumping machinery and stations, filtering and chlorinating plants and any and all other structures necessary for its purposes, and to locate, erect, lay and maintain the same in, under, through, along, upon, over and across such land or lands, and to excavate in, through, and under such land or lands for such location, erection, construction and maintenance. Said company is further authorized to enter upon such land or lands to make surveys and locations, and shall file in the registry of deeds in the county of Aroostook, plans of such locations and land or lands, showing the property taken, and within thirty days thereafter shall publish notices of such filing in some newspaper in said county, such publication to be continued for three successive weeks.

**Sec. 6. How damages may be assessed.** Should said company and the owner of such lands so taken be unable to agree upon the damages to be paid for such location, taking, holding and construction, either party on petition to the county commissioners of Aroostook county, may have the damages assessed by them in accordance with the laws applicable to the assessment of damages for land taken by railroads, so far as such law is consistent with the provisions of this act. If said company 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,

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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 which is subject to such award shall be invalid, and said company shall forfeit all rights under the same as against said land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner is awarded more damages than were tendered by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such locations before the rendition of final judgment, the land owner may require said company to file its bond with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after petition is filed as aforesaid and there is a failure to pay or deposit as aforesaid. Failure to petition for damages within three years by the land owner shall be held to be a waiver of the same.

**Sec. 7. Payment of damages.** Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment thereof shall be made in the same manner and with the same effect. No action shall be brought for the same until after petition is filed and the time for payment has expired, as therein provided. A tender by said company may be made with the same effect as in the preceding section, and the same period of limitation shall apply.

**Sec. 8. Making of contracts.** Said company is hereby authorized to make contracts with the United States, the state of Maine, the county of Aroostook, the town of Madawaska, any village corporation therein, and with the inhabitants and property owners thereof and therein, or any person, firm or corporation doing business therein, or water district, for the supply of water for any and all the purposes contemplated by this act; and said company is hereby authorized to establish, maintain and collect rates of money for the supplying of water for the purposes herein mentioned, such contracts and such rates to be subject to the approval of the public utilities commission of this state as provided by statute. Said company and said town of Madawaska, by its proper officers, are hereby authorized to enter into any contract whereby in consideration of commencing construction for any and all purposes mentioned in this act, the company is relieved from such public burdens by abatement or otherwise as they may agree upon, and said contract shall be legal and binding upon all parties thereto. Said company and said town of Madawaska, or any village corporation therein, by its or their proper officers are hereby

authorized to enter into any further contract or contracts, whereby in consideration of a supply of water for any and all purposes mentioned in this act, the company is relieved from such public burdens, by abatement or otherwise, or is paid money, or both, as they may agree upon, and said contract or contracts shall be legal and binding upon all parties thereto, subject, however, to the approval of the public utilities commission of this state as provided by statute.

**Sec. 9. May hold real and personal property.** Said company, for all its said purposes, may hold real and personal property necessary and convenient therefor.

**Sec. 10. Capital stock.** The capital stock of said company shall be one hundred and fifty thousand dollars which shall all be common stock and shall be divided into shares having a par value of fifty dollars each. The amount of capital stock may be, from time to time, increased, subject to the approval of the public utilities commission.

**Sec. 11. May issue bonds.** Said company may, subject to the approval of the public utilities commission, issue its bonds for the acquiring of its property, real or personal, for the construction of its works, plant and equipment of any and all kinds, and for any other purposes of its incorporation, upon such rates, terms and time as it may deem expedient, and secure the same by mortgage of its franchise and property.

**Sec. 12. Required to sell to town after vote to that effect.** The town of Madawaska, or any village corporation within the limits of said town, at any time after the opening therein for use and service of a system of water works constructed by said company, and after a vote in a legal meeting to that effect has been passed, shall have the right to purchase, and by this act said company is required to sell to said town, or said village corporation, all its system, property and franchise, for such price as may be agreed upon by said town, or said village corporation, and said company. And in case the parties are unable to agree upon the price therefor, the same shall be determined by a commission of three disinterested men, one of whom shall be selected by said company, one by said town or village corporation, and the two commissioners so selected shall together select a third commissioner, who shall be an attorney duly admitted to practice in the courts of the state of Maine, or any justice of the supreme judicial court of the state of Maine. The award of a majority of said commission, not less than cost, shall be binding upon said company and said town, or village corporation, and said town or village corporation shall pay the amount of said award for said system, property and franchise within ninety days from the date such award shall be ren-

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dered. The costs of said commission shall be borne equally by the said company and said town, or village corporation.

**Sec. 13. First meeting.** The first meeting of the company shall be called by a written notice therefor, signed by any two of the within named incorporators, served upon each of the within named incorporators by giving him the same in hand, or by leaving the same at his last and usual place of abode, or by mailing the same to his last known address, postage prepaid, or by publishing the same in some newspaper published in the county of Aroostook, at least seven days before the time of such meeting. If all incorporators herein named are present at such meeting, either personally or by written proxy, said meeting and all action taken thereat shall be legal, notwithstanding no notice thereof has been given.

**Sec. 14. Organization.** At the first meeting of the company, the incorporators shall elect a board of directors in such number as they shall see fit, and a clerk, and shall adopt a set of by-laws which shall provide for the general conduct of the business and affairs of the company, the number of officers which the company shall have, the powers, duties and responsibilities of each, together with their compensation, if any, in what manner they shall be elected, the tenure of the respective offices of each, and the time of stockholders' and directors' meetings and the manner of calling the same. The by-laws shall, among other things, provide for the changes and amendments thereof by the stockholders. Such by-laws including such changes in or amendments thereto as may be made shall govern and control the conduct and affairs of the company, its officers, agents, servants and employees.

**Sec. 15. Town may purchase rights of charter.** The town of Madawaska, or any village corporation within the limits of said town, shall have the right to purchase, and by this act said company is required to sell to said town or village corporation, this charter and all rights thereunder, for the actual cost to said company of obtaining said charter, being reasonable attorney's fees and travelling expenses in connection therewith. Said right to purchase said charter shall expire whenever said town of Madawaska by vote in a legal meeting or by a writing signed by its selectmen shall have expressed its consent to the commencing of construction hereunder by the company.

**Sec. 16. Provisions of R. S., c. 55, applicable.** 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 appli-



cable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof and additional thereto.

Approved April 3, 1929.

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## Chapter 94.

An Act to Annex Cow Island to the Town of Bremen.

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

**Cow Island annexed to town of Bremen.** Cow Island is hereby annexed to and made part of the town of Bremen in the county of Lincoln.

Approved April 3, 1929.

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## Chapter 95.

An Act to Incorporate the Town of Rumford School District.

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

**Sec. 1. Incorporation; name; purposes.** The town of Rumford, its territory and the people therein subject to the provisions of this act, shall constitute a body politic and corporate under the name of the "Town of Rumford School District" for the purpose of providing additional school facilities within said district, for the purpose of erecting and constructing an addition to the present Stephens high school building upon land provided and secured for school purposes and located on Penobscot street of Rumford Falls Village in said town of Rumford, and for the further purposes of equipping and maintaining said building and grading the grounds about the same, all as hereinafter provided and for the benefit of the inhabitants of said district.

**Sec. 2. Conveyance of Stephens high school property; majority vote required.** The town of Rumford is hereby authorized to convey to said "Town of Rumford School District" the land and buildings thereon now constituting the Stephens high school property situated in Rumford Falls Village in the town of Rumford, Oxford county, Maine, described as follows: Bounded on the north by Essex avenue, on the east by York street, on the south by Oxford avenue, and on the west by Penobscot street, or so much of the aforesaid lot with the buildings thereon as may be necessary for the purposes of this act.

Before conveying as aforesaid, the municipal officers shall be duly authorized to make such conveyance by a majority vote of the legal voters of said town voting at a special meeting called for that purpose. Said "Town of Rumford School District" is hereby authorized and empowered by