

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

~~county treasury be annually paid to the city of Augusta county of Kennebec; provided, however, that if the amount of such fees so allowed and the fees paid in by said judge during the year shall exceed the amount of his annual salary, such excess shall revert to the county and be covered into the county treasury.'~~

Effective August 13, 1947

Chapter 150

AN ACT to Incorporate the New Gloucester Water Company.

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

Sec. 1. Incorporation. Sidney A. McIntire, Harry P. True, Carlton F. Berry, George M. Hutchison, and Donald C. Chandler with their associates and successors are hereby made a corporation by the name of New Gloucester Water Company, for the purpose of conveying to and supplying the town of New Gloucester with pure water.

Sec. 2. May hold real and personal estate. Said corporation for said purposes may hold real and personal estate necessary and convenient therefor not exceeding \$60,000.

Sec. 3. Source of supply; eminent domain; pipes and reservoirs. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the water of Sabbath Day lake, Lily pond, or either of them, and all streams tributary thereto or running therefrom, in the town of New Gloucester, county of Cumberland and is also authorized to take, detain or use the waters of any stream or spring in said New Gloucester provided nevertheless that said corporation shall be liable for damages sustained by any person in the taking of said streams or springs, and is also authorized to erect, maintain and repair reservoirs and dams, lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of water, and forming proper reservoirs thereof; and said corporation may take and hold by purchase or otherwise, any lands or real estate necessary therefor, and may excavate through any lands, when necessary therefor for the purposes of this incorporation.

Sec. 4. Procedure in eminent domain. 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 purpose of laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting

from said acts; and if any person sustaining damage aforesaid, and said corporation cannot mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained 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 railroads.

Sec. 5. Capital stock of corporation. The capital stock of said corporation shall be \$30,000, which may be increased to \$40,000 by vote of said corporation, and said stock shall be divided into shares of the par value of \$50 each.

Sec. 6. Liability for damages, etc. Said corporation is hereby authorized to lay down, in and through the streets and ways of said town of New Gloucester, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of their incorporation, under such reasonable restrictions as may be imposed by the selectmen of said town. And such corporation shall be responsible for all damages to persons or property occasioned by the use of such streets and ways, and against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same.

Sec. 7. Corporation authorized to make contracts. Said corporation is hereby authorized to make contracts with said town of New Gloucester and with other corporations and individuals for the purposes of supplying water as contemplated by said act; and said town of New Gloucester, by its selectmen, are hereby authorized to enter into contracts with said water company for the supply of water, and for such exemption from public burden as said town and said company may agree upon, which, when made shall be legal and binding upon all parties thereto.

Sec. 8. Procedure in crossing public utility. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by the corporation, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the corporation.

Provided, however, nothing herein contained shall be construed as authorizing said corporation to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized herein or by subsequent act of the legislature.

Sec. 9. Penalty for wilful destruction of property. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Sabbath Day lake or other sources of water used by said corporation, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters or who shall wilfully destroy or injure any property held by said water company, of whatever kind, held or owned by said corporation for the purposes of this act, shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than 1 year or by both such fine and imprisonment, and shall be liable to said corporation for 3 times the actual damage, to be recovered in any proper action.

Sec. 10. Bonds. Said corporation may issue bonds for the construction of its works upon such rates and times as it may deem expedient, not exceeding \$40,000, and secure the same by mortgage of the franchise and property of said company.

Sec. 11. Limitation. In case the works of this corporation have not been put into actual operation within 2 years from the date of approval of this act, the rights and privileges herein granted shall be null and void.

Sec. 12. First meeting. The 1st meeting of said corporation may be called by a written notice thereof, signed by 3 of the incorporators herein named, served upon each by giving him the same in hand or leaving the same at his last and usual abode at least 7 days before the date of the meeting.

Effective August 13, 1947

Chapter 151

AN ACT Compensating Philip E. Lamb, of Gardiner, for Duties as Recorder.

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

Philip E. Lamb compensated for duties as recorder. The county commissioners of Kennebec county are hereby authorized to compensate Philip E. Lamb, judge of the Gardiner Municipal Court, for the extra duties which he performed and will perform in acting as recorder of said court. Such extra compensation shall be paid on the basis of \$500 per annum and shall be paid in the same manner as it would if the Gardiner Municipal Court had a recorder.

Effective August 13, 1947