

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1875.

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1875.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1875.

CHAP. 166.

or indictment in any court of competent jurisdiction, and all penalties so recovered shall be for the use of the town.

SECT. 2. This act shall take effect when approved.

Approved February 22, 1875.

Chapter 166.

An act to authorize the town of Kittery to build a free bridge over tide waters.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Town of Kittery authorized to maintain a free bridge.

SECT. 1. The town of Kittery, in the county of York, is hereby authorized and empowered to construct and maintain a free bridge, with or without draws, over and across tide waters separating Badger's island from the main land, in said town of Kittery.

SECT. 2. This act shall take effect when approved.

Approved February 22, 1875.

Chapter 167.

An act to amend "an act to incorporate the Master, Wardens and Members of Key Stone Lodge," approved February twenty-fourth, eighteen hundred and fifty-five.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Authorized to take and hold real and personal estate.

Said corporation is hereby authorized to take, by purchase or gift, and hold, for benevolent uses, real estate, to the value of three thousand dollars, and personal estate to the value of ten thousand dollars.

Approved February 22, 1875.

Chapter 168.

An act for supplying the city of Bangor with water.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Bangor, authorized to supply city of, with pure water.

SECT. 1. The city of Bangor is hereby authorized to take, hold, and convey into, about and through the city of Bangor, from any point in Penobscot river that may be deemed expedient, between the foot of Treat's falls, in Bangor, and the head of McMahon's falls, in Veazie, water sufficient for the use of said city and the

Purpose of.

inhabitants thereof, for the extinguishment of fires, domestic uses and creating steam ; and may flow, take and hold, by purchase or otherwise, any lands or real estate for laying and maintaining aqueducts or pipes for conducting, discharging, disposing of and distributing water, and for constructing and maintaining reservoirs, dams and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water, and for the erection of any works for said purposes, and for sinking wells or making excavations for the filtration of water.

May take and hold real estate for laying aqueducts and pipes and maintaining dams, reservoirs, &c.

SECT. 2. Said city may erect and forever maintain, at said point, a dam across said river, for the retention of water for said specified purposes, not exceeding twelve feet in height above mean high tide, and purchase any franchises or the right to operate under any franchises required for said purposes, or may purchase and forever maintain any dam erected or to be erected across said river at said point, for the retention of said water, or may purchase the privilege and right forever to draw and take from said river, at said point, a sufficient quantity of water for all said purposes, and sufficient water power to pump and raise, force and distribute the same to any required places in said city. May make, build, lay down, and maintain aqueducts and pipes, from said river at said point, to, into, through, and about said city, and secure and maintain the same by any works suitable therefor; may make and establish such public fountains and hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same ; may distribute water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto ; may regulate the use of said water within said city, and establish, receive and collect the prices or rents to be paid therefor ; and the said city may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes or other works by them to be made, laid down or conducted over, under, through or across any water-course or river, street, bridge, railroad, highway, or other way, in such manner as not to obstruct the travel or free use thereof ; may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and, in general, may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

May erect a dam across river.

May purchase certain rights and franchises and to draw water from said river.

Aqueducts and pipes.

Fountains and hydrants.

Distribution of water.

Water rents.

May conduct aqueducts, &c., across public ways.

SECT. 3. If said city shall elect to erect or purchase a dam as aforesaid, for said purposes, and there shall be a surplus of water after supplying at present all of said purposes, said city may sell or lease any surplus power created by said dam.

City may sell or lease surplus power created by dam.

CHAP. 168.

Damages.

—in case of disagreement, how determined.

Rights and powers, how exercised

Commissioners.

Term of office.

Vacancies, how filled.

Election of officers

—in case of vacancy.

Compensation of water board.

Bonds may be issued to defray expenses.

—amount of.

—how designated

—when payable.

—interest on.

—how executed.

Assessment to defray interest and expenses.

SECT. 4. Said city shall be liable to pay all damages that shall be sustained by any persons or corporations in their property, by the taking of any land, or by flowage, or excavating through any land, for the purpose of laying down pipes, building dams, or constructing reservoirs, or making excavations. And if any person or corporation, sustaining damage as aforesaid, and said city shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause said damages to be ascertained and determined in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damage by the laying out of highways.

SECT. 5. The rights, powers and authorities given to the city of Bangor by this act, shall be exercised by said city, subject to the restrictions, duties and liabilities herein contained, by a board of commissioners consisting of three persons, called the water board, and George Stetson, Gorham L. Boynton and Luther H. Eaton, all of said Bangor, shall constitute said board at first; the said Stetson, Boynton and Eaton to hold office for three, four and five years respectively, from acceptance of this act, and as each term of office expires the vacancy shall be filled by the election of a new member of said board, to hold office for the term of three years; said election to be by the city council of the city of Bangor, in joint convention of both boards of said council. In case of any vacancy in said board by death, resignation or otherwise, the election to fill the vacancy for the unexpired term shall be in the same manner. The compensation of said water board shall be fixed by the municipal officers of the city of Bangor.

SECT. 6. For the purpose of defraying the expenses which may be incurred by said city, in carrying into effect the powers herein granted to said city of Bangor, said city is authorized to raise money by issuing and selling its bonds or script, from time to time, as the same shall be needful, not exceeding, however, in all, the amount of three hundred and fifty thousand dollars. Said bonds shall be designated and marked City of Bangor Water Loan Bonds, and shall all bear date of the first issue of said bonds, be made payable to the holder thereof in thirty years from date, and in such sums and in such places as the city council may determine, with coupons for interest attached, reckoned at the rate of six per centum per annum, payable semi-annually, and shall be signed by the treasurer and countersigned by the mayor of said city and by the members of the water board.

SECT. 7. The city council of said city is authorized to establish, assess, collect and receive, annually, and as much oftener as may be deemed expedient, such prices, rents and tolls for water, of the water takers, as shall pay, as the same shall become due, a part or the whole of the interest on said bonds, the expenses of carrying

on or running said works, and repairing the same. And said city council is authorized, from time to time to grant, assess, collect and appropriate in the same manner as other money is granted, assessed, collected and appropriated for other city purposes, such sums of money as shall be necessary to pay any deficiency in the amount assessed and collected, as aforesaid, of said water takers, to pay said interest and expenses.

CHAP. 168.
Assessment to
pay deficiency.

SECT. 8. In order to create a sinking fund to pay and extinguish said bonds at maturity, and as compensation for the use of water for municipal purposes, said city is authorized, annually, after the expiration of five years from the issue of said bonds, to grant, assess, collect and appropriate in the same manner as other money is granted, assessed and appropriated for other city purposes, a sum not exceeding ten thousand dollars, and for such a number of years that said fund thus created, with the accumulated interest or income thereof, shall be sufficient in amount to redeem and extinguish all of said bonds at maturity; said money thus raised shall be invested in the purchase of bonds of said city, or of municipal bonds of other cities in New England, of a population of not less than twenty thousand inhabitants, or of county or state bonds of New England.

Sinking fund.

—how invested.

SECT. 9. If any person shall use any of said water within said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damages sustained.

Liability for
using water with-
out consent of
city.

SECT. 10. If any person shall wantonly or maliciously divert the water from, or corrupt the water in, or destroy or injure any aqueduct, reservoir, pipe, conduit, hydrant, machine or other works or property held, owned or used by said city of Bangor, by the authority and for the purposes of this act, every such person or persons shall forfeit and pay to said city, three times the amount of damages that shall be assessed therefor, to be recovered by an action of the case; and every such person or persons may, moreover, on indictment for and conviction of either of the wanton or malicious acts aforesaid, be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

Penalty for ma-
liciously injuring
water or water
works.

SECT. 11. This act shall not take effect or be of any force until the legal voters of the city, in ward meetings, and the legal voters of the city in legal ward meetings, shall, by a vote of two-thirds of all the votes thrown in the city at such meetings, adopt the same. But if within six months from the approval of this act, said city shall accept said act by vote of said legal voters as aforesaid, then said act shall be in force thereafter, but not otherwise. The adoption of this act shall first be submitted to the legal voters of said city of Bangor, at the municipal election on the second Monday in March, in the year of our Lord

Act, when to take
effect or be in
force.

—when to be first
submitted for
adoption.

CHAP. 168.

eighteen hundred and seventy-five, in pursuance of an article to be inserted therefor in the warrant for said election; and if not then adopted may be afterwards, at any time during said six months, submitted to said legal voters, by a vote of a majority of the members of the city council present and voting in joint convention; and such submission may be at special ward meetings notified and warned, held, returns made, declared and recorded, agreeably to the provisions of the city charter of said city for calling and holding ward meetings for the choice of city officers and returns thereof.

May be submitted at special ward meetings.

Claims of water company, how determined.

SECT. 12. The Bangor Water Company, or any person or persons named in the act incorporating said company, may petition the supreme court for the county of Penobscot, setting forth that said company, person or persons have a claim growing out of monies advanced or services performed to secure the introduction of water into said city, and after notice, a hearing shall be had of the parties, and the court shall determine whether the petitioners have any legal or equitable claim upon said city for a reimbursement of said monies in case this act is accepted by the city; and in case said court shall determine that such claim exists, then, and not otherwise, the court shall appoint three suitable men to determine the amount of such claim, and the same proceedings shall be had as in case of a reference of an action in court under the laws of this state

Locks and sluices to be constructed in dams.

Determination of court and referees, how made and published.

In any dam, erected under this charter, shall be constructed and maintained suitable locks or sluices for the passage of boats, rafts, logs and other lumber. The determination of said court and referees shall be made and published in the Bangor Daily Whig and Courier and in the Bangor Daily Commercial, at least one week prior to the second Monday in March, eighteen hundred and seventy-five, and a judge in chambers is authorized to act if the court is not in session. The mayor and city solicitor of the city of Bangor shall have seasonable notice of both said hearings.

Notice of hearing to be given.

Provisions of this act applicable to the town of Brewer.

All the provisions of this act, so far as the service and supply of water are concerned, and the laying down of aqueducts, conduits, pipes, reservoirs and other useful or necessary appurtenances for the purposes of said service and supply of water, shall have the same application to the town and inhabitants of Brewer, as therein granted to the city and citizens of Bangor; *provided* that at any legally called meeting the inhabitants of Brewer shall give their consent.

Proviso.

SECT. 13. This act shall take effect when approved.

Approved February 22, 1875.