

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

for calling such a meeting, as prescribed in the statutes for calling town meetings.

Section 11. All persons liable to be taxed for polls, residing in the limits of said corporation, shall be legal voters at any meeting of said corporation.

Legal voters.

Section 12. All acts and parts of acts, inconsistent with this act, are hereby repealed. Provided, however, the repeal of the said acts shall not affect any act done, or any act accruing, or accrued, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, under the acts hereby repealed, and before the time when repeal shall take effect, shall be affected by the repeal. And provided, also, that all persons who, at the time said repeal shall take effect, shall hold any office under the said acts or by-laws of the Farmington Village Corporation, shall continue to hold the same until others are elected and qualified in their stead, as provided in this act.

Inconsistent acts repealed.

—proviso.

—proviso.

And provided, also, that all acts of legislature, relating to the Farmington Village Corporation and the by-laws, rules and regulations of the Farmington Village Corporation in force at time of the passage of this act if not inconsistent therewith shall remain in force and are not repealed by this act.

—proviso.

Section 13. This act shall be void unless at a legal meeting of the corporation called for the purpose, the legal voters of the corporation shall vote, by ballot on the question of accepting this charter, and if a majority shall vote in favor of its acceptance, then it shall take effect at the next annual, nineteen hundred four, meeting of the corporation, and its officers shall be elected according to its provisions.

Charter, ratification of.

Approved March 11, 1903.

Chapter 158.

An Act to incorporate the Brunswick and Topsham Water District.

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

Section 1. The territory and people constituting the towns of Brunswick and Topsham shall constitute a body politic and corporate under the name of the Brunswick and Topsham Water District, for the purpose of supplying the inhabitants of said district and said municipalities with pure water for domestic and municipal purposes.

Corporate limits.

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May take
water in said
district.

Section 2. Said district is hereby authorized for the purposes aforesaid to take and hold sufficient water of any surface or underground brooks, streams and springs in said district, excepting Thompson's brook and the tributaries thereof, and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, or for preserving the purity of the water and water shed, and for laying and maintaining aqueducts for taking, discharging and disposing of water.

—exception.

Damages,
liability for.

Section 3. Said district shall be liable for all damages that shall be sustained by any persons or corporations in their property by the taking of any land whatsoever, or water, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams or constructing reservoirs. If any person sustaining damage as aforesaid and said corporation shall not 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 or may be prescribed in the case of damages by the laying out of highways.

May lay pipes
in streets and
highways.

Section 4. Said district is hereby authorized to lay in and through the streets and highways thereof, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever said district shall lay any pipes or aqueducts in any street or highway it shall cause the same to be done with as little obstruction as possible to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

Board of
trustees.

Section 5. All the affairs of said water district shall be managed by a board of trustees composed of three members, two to be chosen by the municipal officers of Brunswick, and one by the municipal officers of Topsham. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the town building at Brunswick, and organize by the election of a president and clerk, adopt a corporate seal and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for two years and one for three years; and whenever the term of office of a trustee expires, the body which appointed said trustee shall appoint a successor to serve the full term of three years, and in case any other vacancy arises it shall be filled in like manner for the unexpired term. They may also ordain and establish such by-laws as are necessary for

—how chosen.

—shall have
seal.

—tenure of
trustees.

—vacancies,
how filled.

their own convenience and the proper management of the affairs of the district. The term of office of trustees shall begin on the first Monday of April, in the year of our Lord nineteen hundred three. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services an allowance of one hundred dollars per annum.

—compensation of trustees.

Section 6. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant, property and franchises, rights and privileges now held by the Maine Water Company within said district, excepting the Thompson's brook and its tributaries, but including all other lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances in said district, owned by said company and used or usable in supplying water therein, and any other real estate in said district.

Maine Water Company, property of, in district may be acquired.

Section 7. In case said trustees fail to agree with said Maine Water Company upon the terms of purchase of the above mentioned property on or before January first, nineteen hundred and four, said water district through its trustees is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said water district through its trustees is hereby authorized on or after January first, nineteen hundred and four, to file a petition in the clerk's office of the supreme judicial court for the county of Cumberland or Sagadahoc in term time or in vacation, addressed to any justice of said court, who after notice to said Maine Water Company and its mortgagees, shall after hearing and within thirty days after the filing of said petition appoint three disinterested appraisers, none of whom shall be residents of the town of Brunswick or the county of Sagadahoc, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises, and of assessing the additional damages, if any, suffered by the said Maine Water Company, by reason of the taking of said plant, property and franchises, and of the severance thereof from the entire water system and franchises as now operated, composed of Brunswick, Bath, West Bath and Woolwich; it being the intent of this act that the amount of said valuation and of said additional damages, if any, taken together, shall be so fixed as to equal the difference between the valuation, before severance, of the entire plant, property and franchises of said company in Brunswick, West Bath, Bath and

Eminent domain, how applied to property of Maine Water Co.

—petition.

—appraisers.

—assessing additional damages.

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Woolwich, and the valuation, after severance, of the plant, property and franchises of said company in the easterly part of Brunswick, and in West Bath, Bath and Woolwich, as aforesaid, both said last named valuations to be determined under the principles of eminent domain. The said appraisers shall have the power of compelling the attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths; and any witness, or person in charge of such books and papers refusing to attend, or to procure the same, shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. The appraisers so appointed shall, after due notice and hearing, fix all valuations of plants, properties and franchises and assess all damages, if any, in the manner heretofore detailed by this act, so that said Maine Water Company shall receive just compensation for the taking of said Brunswick plant, property and franchises and for the severance thereof from the entire water system and franchises above described. The first day of January, nineteen hundred and four, shall be the date as of which the valuation aforesaid shall be fixed, from which day interest on said award shall run and all net rents and profits accruing thereafter shall belong to said water district. The report of said appraisers, or of a majority of them, shall be filed in said clerk's office in term time or vacation as soon as may be after their appointment, and such single justice, or in case of his inability to act, then any justice designated for the purpose by the chief justice, may, after notice and hearing, confirm or reject the same, or recommit it if justice so requires. Before a commission is issued to the appraisers, either party may ask for instructions to the appraisers, and all questions of law arising upon said requests for instructions or upon any other matters in issue may be reported to the law court for determination before the appraisers proceed to fix the valuation of the property and assess the additional damages, if any. The award of the appraisers shall be conclusive as to valuations and damages. Upon the confirmation of said report the court so sitting shall thereupon, after hearing, make final decree upon the entire matter, including the application of the purchase money, discharge of incumbrances and transfer of the property, jurisdiction over which is hereby conferred, with the same power to enforce said decree as in equity cases. Upon request of either party the justice so making such final decree shall make separate findings of law and fact. All such findings of fact shall be final, but either party aggrieved may take exceptions to any rulings of law so made, the same to be accompanied only by such parts of the case as are necessary to a clear under-

—appraisers may compel attendance of witnesses, etc.

—appraisers, after hearing, shall fix valuation.

—report of appraisers shall be filed.

—award shall be conclusive.

—separate findings of law and fact.

standing of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of parties. They shall be entered at the next term of the law court to be held after the filing of said decree and there heard, unless otherwise agreed, or the law court shall for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below, or remand the cause for further proceedings as it deems proper. During the pendency of such exceptions the cause shall remain on the docket of the court below marked 'law' and decree shall be entered thereon by a single justice in term time or in vacation, in accordance with the certificate and opinion of the law court. Before said plant, property and franchises are transferred in accordance with such final decree, and before payment therefor, the court sitting in said county of Cumberland or Sagadahoc, by single justice thereof as hereinbefore provided, shall, upon motion of either party, after notice and hearing, take account of all receipts and expenditures properly had or incurred by the Maine Water Company belonging to this period, from and after January first, nineteen hundred four, and all net rents and profits accruing thereafter, and shall order the net balance to be added to, or deducted from, the amount to be paid under such final decree, as the case may be. All findings of law or fact by such single justice at such hearing shall be final. On payment or tender by said district of the amount so fixed, including such additional damages, if any, and the performance of all other terms and conditions so imposed by the court, said entire plant, property and franchises in said district westerly of the Thompson's brook plant shall become vested in said water district and be free from all liens, mortgages and incumbrances theretofore created by the Pejepsco Water Company, the Bath Water Supply Company, or the Maine Water Company. After the filing of said petition it shall not be discontinued or withdrawn by said water district, and the said Maine Water Company may thereafterwards on its part cause said valuation and assessment to be made as herein provided and shall be entitled to appropriate process to compel said water district to perform the terms of the final decree, and to pay for said plant, property and franchises in accordance therewith.

Section 8. All valid contracts now existing between the Pejepsco Water Company or the Maine Water Company and

Existing
contracts
shall be
assumed.

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any persons or corporations for supplying water within said district shall be assumed and carried out by said Brunswick and Topsham Water District.

May issue bonds.

Section 9. For accomplishing the purposes of this act said water district, through its trustees, is authorized to issue its bonds to an amount sufficient to procure funds to pay the expenses incurred in the acquisition of the property of said Maine Water Company, and the purchase thereof, and for further extensions, additions and improvements of said plant, and to secure a new source of supply. Said bonds shall be a legal obligation of said water district, which is hereby declared to be a quasi municipal corporation within the meaning of section fifty-five, chapter forty-six of the revised statutes, and all the provisions of said section shall be applicable thereto. The said bonds shall be a legal investment for savings banks.

—declared to be a quasi municipal corporation.

—bonds shall be a legal investment for savings banks.

Rates.

Section 10. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

—running expenses.

I. To pay the current running expenses for maintaining the water system and provide for such extensions and renewals as may become necessary.

—payment of interest.

II. To provide for payment of the interest on the indebtedness of the district.

—sinking fund.

III. To provide each year a sum equal to not less than one nor more than four per cent of the entire indebtedness of the district, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

Taxation.

Section 11. The property of said district shall be exempt from taxation.

Powers granted.

Section 12. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

This act to take effect when approved by ballot.

Section 13. This act shall take effect when approved by a majority vote by ballot of the inhabitants of each of said towns, at their annual meeting in March in the year one thousand nine hundred and three or at a special meeting to be called and held for the purpose within sixty days after the approval of this act. This act shall take effect when approved by the governor so far as necessary to empower the calling and holding of such meeting.

The approval of this act in the manner provided by this section shall constitute an acceptance by said water district of the methods of appraisal prescribed by section seven hereof, and shall bind said water district and said water company thereto.

Section 14. Sections two, three and four of this act shall be inoperative, null and void, unless the said water district shall first acquire by purchase, or by the exercise of the right of eminent domain, as in this act provided, the plant, property and franchises, rights and privileges now held by the Maine Water Company within said district.

Sections 2, 3 and 4 inoperative until purchase, etc., is made.

Section 15. All costs and expenses arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section seven.

Costs and expenses, how borne and paid.

Approved March 11, 1903.

Chapter 159.

An Act to incorporate the Kennebec Valley Railroad Company.

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

Section 1. William M. Ayer and A. R. Small both of Oakland, Maine, and R. W. Dunn and William T. Haines, both of Waterville, Maine, their associates, successors and assigns are hereby made a corporation by the name of the Kennebec Valley Railroad Company, for the purpose of buying or leasing the property, capital stock, rights, privileges, immunities and franchises of the Somerset Railway, and of thereafterwards exercising the powers of this act.

Corporators.

—corporate name.

—purposes

Section 2. The capital stock of said corporation shall consist of not more than ten thousand shares of the par value of one hundred dollars each, the amount to be fixed from time to time by the corporation. The immediate government of its affairs shall be vested in a board of directors to be chosen as the by-laws of said corporation may provide, not in conflict with the general laws of the state, who shall hold their offices until others are chosen and qualified in their places. It shall have power to make, ordain and establish all necessary by-laws not inconsistent with said general laws.

Capital stock.

—board of directors.

—tenure.

—powers.

Section 3. The said corporation is authorized to hold for the purposes of this act so much real and personal estate as may be necessary and convenient therefor.

May hold real and personal estate.

Section 4. The said corporation is further authorized to purchase or lease the property, capital stock, rights, privileges,

Somerset Ry. may purchase property of.