

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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Chapter 188.

An Act to amend Chapter one hundred and nineteen of the Private and Special Laws of eighteen hundred and eighty-one, as amended by Chapter one hundred and twenty-two of the Private and Special Laws of eighteen hundred and ninety-nine, relating to the taking of Spawn Herring in Narraguagus bay.

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

Section 1,
chapter 119,
private and
special laws
1881, as
amended by
chapter 122,
private and
special laws
1899,
further
amended.

Section one of chapter one hundred and nineteen of the private and special laws of eighteen hundred and eighty-one, as amended by chapter one hundred and twenty-two of the private and special laws of eighteen hundred and ninety-nine, is hereby amended by adding after the word "from" in the fifth line of said section the words 'the southern extremity of Petit Manan point to;' and adding after the word "house" in the sixth line of said section the word 'thence,' so that said section as amended, shall read as follows:

Close time for
herring in
Narraguagus
bay.

'Section 1. The taking of herring or fishing therefor by the use of purse and drag seines or nets from the first day of July to the first day of November, is hereby prohibited in the waters lying within the jurisdiction of the state in Milbridge or Narraguagus bay and other waters above a line drawn from the southern extremity of Petit Manan point to Petit Manan light-house, thence to Cape Split in the town of Addison, under a penalty upon the master or person in charge of said seines or nets, or upon the owner or owners of the vessels, steamers or boats engaged in taking said herring, of not less than one hundred dollars, and no more than three hundred dollars, and there shall be a lien upon said vessels, steamers, boats and apparatus used in such unlawful pursuit until said penalty, with costs of prosecution is paid.'

--penalty.

Approved March 17, 1906.

Chapter 189.

An Act to incorporate the Foreside Water Company.

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

Corporators.

Section 1. George Burnham, Jr., C. K. Richards, Daniel F. Emery, Jr., John Marshall Brown, Edward H. Trickey and Herbert Payson, with their associates and successors, are hereby created a corporation by the name of Foreside Water Company for the purpose of supplying the towns of Cumberland and Falmouth, in the county of Cumberland, and the inhabitants thereof with pure water for domestic, fire, sanitary and municipal purposes.

--corporate
name.

--purposes.

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Section 2. Said corporation may take and hold by purchase, lease or otherwise, such amount of real and personal property as may be necessary and convenient for its purposes.

May hold real and personal property.

Section 3. Said corporation is hereby authorized, for the purposes aforesaid, to obtain a supply of water from any source of supply in said towns of Falmouth or Cumberland except Duck pond and Goose pond, or may obtain such supply by contract, purchase or lease, with or from any other water company now supplying water to any city or town in said county of Cumberland, and any such water company is hereby authorized, by contract, sale or lease, to furnish such supply from any source from which it is now supplying water to any city or town in said county of Cumberland.

Sources of water supply.

Section 4. Said corporation is hereby authorized to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts, hydrants and fixtures; to carry its pipes or aqueducts under or over any water course, creek, river, bridge, street, highway, or other way, but in such manner, however, as not to obstruct the same, and for that purpose to enter upon and excavate any street, road or way under such reasonable restrictions and conditions as the selectmen of said towns may impose, in such a manner as not to unnecessarily obstruct the same, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for said purposes, and to enter upon, pass over, excavate and flow any lands and to take and hold by purchase or otherwise, any real estate, rights of way or water. And said corporation is further authorized, for the purpose of making all necessary repairs, surveys or connections, to lay its mains and pipes through any private or public lands or ways, with the right to enter upon the same and dig therein, and said corporation may establish written regulations for the use of said water. Said Foreside Water Company shall be responsible for all damages to persons and property occasioned by such use of said streets and ways. Said Foreside Water Company may also lay and maintain its mains and pipes under or across any railroad, if agreement with the railroad company can be had, or if such agreement cannot be had, upon such terms and conditions as may be determined by the railroad commissioners. Said water company shall be liable in all cases to repay to any railroad company or town, all sums of money that such railroad company or town shall be obliged to pay on any judgment recovered against them for damages occasioned by any obstruction, taking up or displacement of its railroads by said Foreside Water Company, in the case of a railroad company, or in the case of a town by reason of any defect in any

May maintain dams, etc.

--shall not obstruct water courses, etc.

--restrictions.

--may flow lands.

--may lay pipes.

--liable for damages occasioned by use of streets.

--regulations for crossing railroads.

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highway, way or street, therein occasioned by any fault or neglect of said water company, together with reasonable counsel fees and expenses necessarily incurred in defending such railroad or town in all actions therefor, provided, however, that said Foreside Water Company shall have notice of the commencement of any and all suits for such damage and that said water company shall have the right to defend any such action at its own expense.

--shall have notice of suits for damages.

Shall file plans of location.

Section 5. Said Foreside Water Company shall file in the registry of deeds in the county of Cumberland, plans and descriptions of the location of all lands and water rights taken under the provisions of this act, and no entry shall be made upon any land, except to make surveys, until the expiration of twenty days from such filing, and with such plan the corporation may file a statement of the damages it is willing to pay to any person or corporation for any property so taken, and if the amount finally awarded does not exceed that sum the company shall recover costs against said person or corporation, otherwise such person or corporation shall recover such costs against said company.

--shall file statement of damages.

Damage for taking of land or for flowage, etc., how ascertained.

Section 6. Said Foreside Water Company 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 its pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; and if any person sustaining damages as 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 are by law prescribed in the case of damages by the laying out of railroads.

Capital stock.

Section 7. The capital stock of said corporation shall be fixed at a sum not exceeding one hundred thousand dollars and shall be divided into shares of one hundred dollars each.

May make contracts for supplying water.

Section 8. Said Foreside Water Company is hereby authorized to make contracts with said towns of Falmouth and Cumberland, and with other towns and corporations, associations and individuals for the purpose of supplying them with water as contemplated by this act, and also for the purpose of procuring a supply of water for its own purposes, may contract for such supply with any other corporation or individual, and use the same for the purposes hereunder. Said towns of Falmouth and Cumberland, by their respective selectmen, or duly authorized agents, are hereby authorized to enter into contracts with said

Foreside Water Company for the supply of water, and for such exemption from public burden as said towns and said company may agree upon, which, when made, shall be legal and binding upon all parties thereto. Manufacturing and other corporations are hereby authorized to subscribe and hold stock of said Foreside Water Company.

Section 9. Said corporation may issue its bonds for the construction of its works upon such rates and times as it may deem expedient, to an amount not exceeding the amount of its capital stock, and secure the same by mortgage of the franchises and property of said company.

May issue bonds.

Section 10. The first meeting of said corporation shall be called by written notice thereof signed by any two corporators herein named, served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode seven days before the time of said meeting.

Notice of first meeting, how given.

Section 11. This act shall become null and void in two years from the approval hereof, unless said corporation shall have organized and commenced actual business under this charter.

Shall commence business within two years.

Section 12. This act shall take effect when approved.

Approved March 15, 1905.

Chapter 190.

An Act to enable William G. Barter to construct and maintain weirs near Whitmore's cove in the waters of Penobscot Bay.

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

Section 1. William G. Barter of Deer Isle is hereby authorized and empowered to construct and maintain weirs in the tide waters of Penobscot bay near Whitmore's cove, so called, southerly from Stinson's Neck bar and easterly of Eaton's point, so called, in the town of Deer Isle, adjoining the land of said William G. Barter.

Weirs authorized in waters of Penobscot bay near Whitmore's cove.

Section 2. This act shall take effect when approved.

Approved March 15, 1905.