

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
Legislature

1919

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subject to the restrictions provided in sections thirty-seven and thirty-eight of chapter fifty-five of the revised statutes, as amended for the regulation and control of public utilities.

Sec. 2. Prior acts not affected. 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 the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof or additional thereto.

Approved March 19, 1919.

Chapter 68.

An Act to Extend the Charter of the R. and T. Cement Railroad.

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

Charter revived and extended. The charter of the R. and T. Cement Railroad, as granted by chapter one hundred and ninety of the private and special laws of nineteen hundred and nine, is hereby revived, renewed and extended for a period of two years.

Approved March 19, 1919.

Chapter 69.

An Act to Make Valid Municipal Elections of the City of Rockland.

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

Municipal elections in Rockland 1916, 1917 and 1918 made valid. The municipal elections of the city of Rockland, in the county of Knox, held on the sixth day of March, nineteen hundred and sixteen, on the fifth day of March, nineteen hundred and seventeen, and on the fourth day of March, nineteen hundred and eighteen, are hereby declared valid and legal, notwithstanding any errors in calling said elections, or in closing the polls.

Approved March 19, 1919.

Chapter 70.

An Act to Incorporate the Skowhegan Water District.

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

Sec. 1. Water district created; territorial boundaries and purposes. The territory in the town of Skowhegan hereinafter described, and the people within the same, shall henceforth constitute a body politic and

corporate under the name of Skowhegan Water District, for the purpose of supplying the inhabitants of said district and other persons reasonably accessible as hereinafter provided with pure water for domestic, manufacturing, mercantile and municipal purposes. The territory of said district shall be that contained within the following bounds, viz: Commencing on the east side of Madison Avenue, so-called, in said Skowhegan, at Cold Brook, at a point where the southerly line of the Palmer farm, so-called, now owned by Cyrus Newton, intersects the easterly line of said avenue; thence easterly on the southerly line of said Palmer farm to the southeast corner thereof; thence in a straight line to the easterly side of the road leading from Skowhegan to Athens, past the Catholic cemetery, where it is intersected by the southerly line of the Doctor Mann farm, so-called; thence easterly along the southerly line of said Doctor Mann farm to the southeasterly corner thereof; thence in a straight line to the northeasterly corner of land of the Skowhegan Water Company; thence along the easterly line of land of said water company and continuing the same course to the Kennebec river at the Great Eddy, so-called; thence down said river to the westerly line of the farm owned by George N. Weston; thence along the westerly line of said farm to the river road leading to Waterville; thence along the easterly line of Edgewood Park, so-called, to the southeasterly corner thereof; thence along the southerly line of said park and land of Joseph Maxwell to the road leading from the river road to Waterville to the middle road to Waterville; thence along said road to the southerly line of the field of Ella M. Pooler; thence westerly along the southerly line of said field to the westerly line thereof; thence northerly to the run that extends westerly at the foot of the hill south of land of Charles Folsom-Jones; thence along said run crossing the Middle road, so-called, at the culvert at the foot of the hill and continuing along said run at the foot of the hill south of land of Henry Varney to Currier brook, so-called; thence southerly up said brook to a point in or opposite the south line of the brick-kiln property owned by Horace Purinton & Company; thence along the southerly line of said brick-kiln property to the back road leading to Waterville; thence northerly along said road to the southeasterly corner of land of Louis A. Caswell; thence along the southerly line of said Caswell's land to the southwest corner thereof; thence in a straight line parallel with Bloomfield street to the easterly line of land of M. S. Osborne; thence northerly along said Osborne's easterly line, which is near the line of poles of the Central Maine Power Company, to the Kennebec river; thence down said Kennebec river to a point where the line of said Central Maine Power Company's poles crosses to the northerly bank of said river; thence along said line of poles, crossing the highway leading from Skowhegan to Norridgewock, to the

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southerly line of the Palmer farm, so-called; thence easterly along the southerly line of said Palmer farm to the point of beginning.

Sec. 2. Source of supply. Said district for the purposes of its incorporation is hereby authorized to take, hold, divert, use and distribute sufficient water from the Kennebec river or from any lake or pond located wholly or partly in any of the towns of Skowhegan, Canaan, Solon, Athens, Smithfield, Madison or Embden, excepting Hancock pond, and from any river or stream in any of said towns, or from wells or reservoirs therein; provided, however, that no water shall be taken from any source of supply which may be privately owned except by purchase thereof by agreement with the owners, or by the exercise of the right of eminent domain as hereinafter provided.

Sec. 3. May take lands and water rights by purchase or eminent domain; procedure in case of disagreement; procedure as to railroad property. Said district is hereby further authorized, for the purposes of its incorporation, to take and hold as for public uses, by purchase or the exercise of the right of eminent domain as hereinafter provided, any land or real estate or water rights in the county of Somerset reasonably necessary and convenient for the construction and maintenance of dams, for flowage, for power, for pumping its water-supply through its mains, for reservoirs, for preserving the purity of the water and water-shed, for laying and maintaining aqueducts and other structures and equipment, for taking, distributing, purifying, discharging and disposing of water, and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands. In case of the crossing of any railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said water district, the public utilities commission shall determine the place, manner and conditions of all such crossings, and all work done within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company, but at the expense of said water district.

Sec. 4. Land damages; procedure in case of disagreement. Said district shall be liable for all damages that shall be legally sustained by any person or corporation in their property by the taking of any land whatsoever, 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 damage resulting from the laying out of highways.

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Sec. 5. Powers as to construction through highways. Said district is hereby authorized to lay in and through the streets and highways thereof, and of any town way or highway in the county of Somerset, 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.

Sec. 6. May supply water outside of territorial limits. Said district may supply water for any of the purposes of its incorporation to such persons or corporations outside the geographical limits of the district as in the judgment of its trustees are reasonably accessible to its mains, and can be profitably and economically served without detriment to the interests of the district.

Sec. 7. Administration; trustees, how chosen; organization, filling of vacancies, etc.; trustees to report annually. All the affairs of said district shall be managed by a board of trustees composed of three members, to be elected by the legal voters of said district upon recommendation by the selectmen of the town of Skowhegan as hereinafter provided. At least seven days before the date hereinafter fixed for the holding of a meeting of the district for such purpose, said selectmen, or a majority of their board, shall post in some public and conspicuous place within the district, the names of three qualified voters of said district recommended by them for trustees as aforesaid, to be voted for at such meeting, and the names of the persons so recommended shall be submitted to a meeting of the voters of said district to be called, advertised and conducted in the same manner as meetings of the voters of said town of Skowhegan. The first meeting for such purpose shall be specially called and held on the fourth Tuesday of July, nineteen hundred and nineteen. Each person so recommended shall be voted upon separately, and the voters shall indicate their choice by written or printed ballots to be furnished by the municipal officers of the town of Skowhegan at the expense of the district, ballots with the word "yes" to be used for the approval of a recommendation, and those with the word "no" for rejection. If said persons so recommended shall be elected by a plurality vote of the qualified voters present and voting at such meeting, they shall be declared elected by the municipal officers of Skowhegan, and due certificate thereof filed with the town clerk of said town. If any one or more shall fail of election, the selectmen shall make new recommendations in similar manner to the voters of said district at said meeting, to be immediately voted upon, and this course shall be followed until the required number have been chosen, when the persons

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finally chosen shall be declared elected and certificates of election issued as above provided. The term of office of said trustees shall be three years, except that of the trustees chosen at the first election; one shall serve for one year, one for two years, and one for three years, their respective terms to be determined by lot as hereinafter provided. The term of office of said trustees shall begin on said fourth Tuesday of July. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the selectmen's office in said town of Skowhegan 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. The treasurer shall be required to furnish an adequate bond for the protection of said district. The trustees may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of said district. At said first meeting the trustees so elected shall determine by lot the term of office of each trustee so that one trustee shall retire each year, and whenever the term of office of a trustee expires his successor shall be chosen in the same manner as at the first meeting, upon recommendation by the selectmen of said town by the voters of said district, at a meeting thereof to be called and held as town meetings are called and held, on the fourth Tuesday of July in each year. The trustees so elected shall serve the full term of three years; and in case a vacancy arises in the membership of the board of trustees it shall be filled in like manner for the unexpired term, at a special meeting of the voters of the district to be called by the municipal officers of Skowhegan. All such trustees shall be eligible to re-election, but no municipal officer of the town of Skowhegan shall be eligible to election as trustee. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services the sum of five dollars for each and every regular and special meeting of the board at which he is in attendance. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical condition, and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust, such reports to be made and filed with the municipal officers of the town of Skowhegan on or before the first day of February in each year. The report of said trustees shall be printed by the municipal officers of the town of Skowhegan in their yearly report.

Sec. 8. May take over franchise and plant of Skowhegan Water Co.; exceptions. 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, properties, franchises, rights and privileges of the Skowhegan Water Company, except its cash assets and accounts receivable, including all lands, waters, water-rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said company and used or usable in supplying water in said district. Said water company is hereby authorized to sell and transfer its franchises, properties, rights and privileges to said water district.

Sec. 9. Procedure in case of disagreement with Skowhegan Water Company as to purchase price. In case said trustees fail to agree with said Skowhegan Water Company upon the terms of purchase of the above-mentioned property on or before November first, nineteen hundred and nineteen, 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. Said water district through its trustees is hereby authorized, on or before December first, nineteen hundred and nineteen, to file a petition in the clerk's office of the supreme judicial court for the county of Somerset, in term time or in vacation, addressed to any justice of said court, who after notice to said Skowhegan Water Company and its mortgagees, shall after hearing and within sixty days after the filing of said petition appoint three disinterested appraisers, none of whom shall be residents of the county of Somerset, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises. At the hearing aforesaid upon the petition of said trustees, such justice of the supreme judicial court, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, of all books and papers pertinent to the issues to be heard by said appraisers, the terms and conditions of such production to be determined by said justice in his order therefor and to be enforced from time to time as any justice of said supreme judicial court, in term time or in vacation, upon motion of either party, may deem reasonable and proper in the premises. At such hearing, such justice, upon motion of the petitioner, may fix a time at which the defendant water company shall file in the clerk's office of the supreme judicial court for the county of Somerset, for the inspection of the petitioner, the following: first, a schedule showing the names, residence, street number, if any, and water service of each customer on the first day of November, A. D. nineteen hundred and nineteen, with the rate charged therefor; second, copies of all contracts in force on said first day of November, with all municipal corporations and water companies; third, an itemized statement of the gross income earned during its last complete fiscal year and all operating expenses and fixed charges paid or incurred during such year and properly chargeable thereto; fourth, a memorandum of all real estate, or

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interest therein, owned or controlled by said water company on said first day of November, with such brief description thereof as will reasonably identify the same; fifth, a memorandum of all water-rights used or owned on said first day of November, with a brief description thereof and a concise statement of the method of acquiring the same; sixth, duplicate plans of all dams owned in whole or part on said first day of November, with specifications thereof; seventh, descriptions and specifications of all reservoirs and stand-pipes owned on said first day of November; eighth, a description of all pipes, service-pipes, hydrants, gates, gate-boxes, shut-off boxes, valves, fixtures and machinery and all the physical elements in such water-system, giving in detail all quantities, sizes, lengths, specifying the streets, roads or ways where situated; ninth, an itemized list of all tools, apparatus and appliances used or usable in supplying water on said first day of November. Such orders may be enforced, from time to time, by any justice of the supreme judicial court, in term time or in vacation, upon motion of either party, by such decrees and process as such justice may deem reasonable and proper in the premises. At such hearing the justice then sitting may, upon motion of the petitioner, make all such decrees as he deems reasonable and proper to enable the petitioner, through its servants and employees, to ascertain the condition of the mains and pipes of the defendant water company, externally and internally, all work connected therewith to be in the presence of the agents of the water company, and at the election of said water company by its servants, otherwise by the petitioner, but wholly at the expense of said water district, said decree to fix the number of such examinations and to impose such conditions as may to the court seem just and proper in the premises. 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 or papers, refusing to attend, or to produce the same, shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. Depositions may be taken as in civil actions. The appraisers may appoint a stenographer or stenographers for the purpose of taking and transcribing the evidence before them, the compensation and expenses of said stenographer or stenographers to be taxed and allowed by the appraisers and paid and borne as hereinafter provided. The appraisers so appointed shall after due notice and hearing fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that the said Skowhegan Water Company shall receive just compensation for the same. The first day of July, nineteen hundred and twenty, shall be the date as of which the valuation aforesaid shall be fixed, from which day interest on said award shall run, and on which day full title and right of possession of

all said property, franchises, rights and privileges of said water company, except its cash assets and accounts receivable, shall pass to and become vested in said water district by virtue of this act and the filing of such petition by said trustees. It shall be the duty of said water company on said date to surrender all control and possession of said property, franchises, rights and privileges, and of said trustees to assume full control and possession thereof in the right of said water district, in the exercise of the right of eminent domain hereby granted. The report of said appraisers or a majority of them shall be filed in the clerk's office of the supreme judicial court for said county of Somerset, in term time or vacation, as soon as practicable, and in any event within six months after their appointment, unless for good cause shown the time shall be extended by a justice of the supreme judicial court, and such 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. The award of the appraisers shall be conclusive as to valuations. 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 formal transfer of title, jurisdiction over which is hereby conferred, with the power to enforce the same 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 understanding 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 seems 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. 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 and the performance of all other terms and conditions so imposed by the court, full title to the entire plant, property,

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rights and franchises of said water company shall become vested in said district, free from all liens, mortgages and incumbrances theretofore created by the Skowhegan Company. All parties interested in said property as mortgagees, licensees, or otherwise substantially entitled to protection, may be heard by the appraisers or be permitted to intervene in the proceedings before said supreme judicial court or a justice thereof, under such reasonable regulations and restrictions as said appraisers or said court may establish. After the filing of said petition it shall not be discontinued or withdrawn by said water district, and said Skowhegan Water Company may thereafterwards on its part cause said valuation 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. If a vacancy occurs at any time in said board of appraisers, from any cause, any justice of the supreme judicial court, sitting in said county of Somerset, may, in term time or vacation, after notice and hearing, appoint a new appraiser or appraisers and make all such orders for hearing said cause by the appraisers anew or for any extension of time for making their award, or otherwise, as the circumstances may require.

Sec. 10. Contracts of existing water company to be assumed by district. All valid contracts now existing between the Skowhegan Water Company and any persons or corporations for supplying water within said district shall be assumed and carried out by said Skowhegan Water District.

Sec. 11. Bond issue authorized. For accomplishing the purposes of this act, said water district, through its trustees, is authorized to borrow money temporarily, and to issue therefor the interest-bearing negotiable notes of the district, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, in acquiring the properties and franchises of the Skowhegan Water Company, by purchase or otherwise, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water-plant, and making extensions, additions and improvements to the same, the said water district, through its trustees, may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees therefor. Said notes and bonds shall be legal obligations of said water district, which is hereby declared to be a quasi municipal corporation within the meaning of section one hundred five of chapter fifty-one of the revised statutes, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

Sec. 12. Schedule of rates, how determined. 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 territory supplied by the district. Said rates shall be so established as to provide revenue for the following purposes: I. To pay the current running expenses for maintaining the water system, and provide for such extensions and renewals as may become necessary in the ordinary course of business, but not including extraordinary or unusual extensions for which bond issues may be deemed advisable by the trustees. II. To provide for the payment of the interest on the indebtedness of the district. III. To provide each year a sum equal to not less than one nor more than five 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. IV. If any surplus remains at the end of the year it may be turned into the sinking fund.

Sec. 13. Incidental powers and privileges granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 14. Approval of voters of district necessary; procedure as to manner of approval. This act shall take effect when approved by a majority vote of the legal voters within said district, voting at an election to be specially called and held for the purpose on the third Monday of July, nineteen hundred and nineteen. The board of registration shall make and provide a separate check list of such of the voters within said district as are then legal voters of said town, and all warrants issued to said town shall be varied accordingly to show that only such voters therein are entitled to vote hereon. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration shall not be required to prepare, or the town clerk to post, a new list of voters, and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Skowhegan Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be de-

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clared by the selectmen of Skowhegan, and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 15. Certain sections inoperative unless purchase of Skowhegan Water Co. is effected. 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, franchises, rights and privileges now held by the Skowhegan Water Company within said district.

Sec. 16. Expenses of carrying into effect provisions of act; how met. 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 eight; provided, however, that in case the voters of said district shall elect not to purchase or condemn the property of the Skowhegan Water Company in the manner provided by this act, the reasonable expenses of the organization of the district and of its administration up to the time of such decision by the voters of said district shall be assumed and paid by the town of Skowhegan, and shall constitute a legal liability against the inhabitants thereof. In case the selectmen of said town and the trustees of said water district are unable to agree upon the amount of such expenses, the amount shall be determined by the county commissioners of Somerset county, upon application by said trustees, after notice and hearing to said selectmen, and the decision of said commissioners thereon shall be final.

Sec. 17. Effective at regular time as to calling election for approval. This act shall take effect in ninety days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the elections authorized in section five as herein provided for.

Sec. 18. Prior acts not affected. 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 the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof or additional thereto.

Approved March 19, 1919.

Chapter 71.

An Act Authorizing the American Realty Company to Locate, Erect and Maintain Piers and Booms in the Aroostook River.

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

Sec. 1. Authorized to erect piers and booms in Aroostook river near Stratton island. The American Realty Company, its successors and as-