

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 13

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to authorize the Augusta Water District to take water
from Carleton pond.

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

Section 1. The Augusta Water District, for the purposes
2 of its incorporation, is hereby authorized to divert and use
3 water from Carleton pond.

Sect. 2. Said district, for the purposes of its incorporation,
2 is hereby authorized to take and hold, by purchase or other-
3 wise, any land or interest therein or water rights necessary
4 for dams, for flowage, for power for pumping its water sup-
5 ply through its mains, for reservoirs, for preserving the
6 purity of the water and water shed and for laying and main-
7 taining aqueducts and other structures for taking, distribut-
8 ing, discharging and disposing of water.

Sect. 3. Said district is further authorized to increase the
2 storage of said Carleton pond and to erect and maintain all
3 proper structures therefor.

Sect. 4. Said district is hereby authorized to lay in and
2 through such streets and highways and across such private
3 lands, and to repair and replace, all such pipes, aqueducts and
4 fixtures as may be necessary and convenient for its corporate
5 purposes, and whenever said district shall lay any pipes or
6 aqueducts in any street or highway it shall cause the same to
7 be done with as little obstruction as possible to the public
8 travel and shall, at its own expense, without unnecessary
9 delay, cause the earth and pavement removed by it to be
10 replaced in proper condition.

Sect. 5. In exercising any right of eminent domain con-
2 ferred upon it by law, said district shall file in the office of
3 the county commissioners of Kennebec county and record in
4 the registry of deeds in said county plans of the location of
5 all lands or interests therein or water rights, to be taken,
6 with an appropriate description and names of the owners
7 thereof. No entry shall be made on any private lands,
8 except to make surveys, until the expiration of ten days from
9 such filing, whereon possession may be had of all said lands
10 or interests therein or water rights so taken, but title thereto
11 shall not vest in said district until payment therefor.

Sect. 6. If any person, sustaining damages by any taking
2 as aforesaid, shall not agree with said district upon the sum
3 to be paid therefor, either party, upon petition to the county
4 commissioners of Kennebec county, may have said damages
5 assessed by them; the procedure and all subsequent proceed-
6 ings and right of appeal thereon shall be had under the same
7 restrictions, conditions and limitations as are by law pre-
8 scribed, from time to time, in the case of damages by the
9 laying out of highways.

Sect. 7. Section four of chapter four hundred and sixty-
2 three of the Private and Special Laws of eighteen hundred
3 and seventy, sections two and three of chapter five hundred
4 and two of the Private and Special Laws of eighteen hundred
5 and eighty-five, and section three of chapter three hundred
6 and thirty-four of the Private and Special Laws of nineteen
7 hundred and three are hereby repealed.

Sect. 8. As compensation for the diversion of water from
2 Carleton pond, said Water District shall pay to the treasurer
3 of State the amount of damages sustained by the State to its
4 fish hatchery and feeding station, located on the outlet of
5 said pond, by reason of the taking of said water as aforesaid
6 and said sum thus paid may be expended by the governor
7 and council for the erection and maintenance of another fish
8 hatchery and feeding station if they deem it expedient. The
9 amount of damages shall be assessed by the governor and
10 council after due notice given said district of a hearing for
11 that purpose and hearing thereon.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, January 25, 1905.

Reported by Mr. JOHNSON, from Committee on Judiciary and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*