

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 168.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.

AN ACT to incorporate the Castine Water Company.

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

SECTION 1. A. M. Devereux, Manly G. Trask, C.
2 Fred Jones, their associates, successors and assigns are
3 hereby constituted a body corporate and politic by the
4 name of the Castine Water Company for the purpose of
5 supplying water in the town of Castine to whoever may
6 desire to purchase the same for domestic, manufacturing,
7 private, sanitary, industrial, commercial, public and municipi-
8 pal uses, including extinguishing of fires.

SECT. 2. The purposes of said corporation being public
2 purposes, the said corporation for said purposes may take,
3 detain, divert and use so much of the waters of any lake,

4 stream, or artesian well now existing in said town of
5 Castine, as may be necessary therefor, and, further, for
6 said purposes, said corporation may purchase or take and
7 hold as for public uses, such lands, and such waters herein
8 before described as may be necessary for obtaining, secur-
9 ing, conducting, and distributing an ample supply of
10 water for the uses contemplated in the charter, including
11 lands for reservoirs, pipes, windmills, and other structures
12 of said corporation. Not more than one rod in width of
13 land shall be used for laying any one line of pipe, nor
14 than one-half acre be taken for any one reservoir and the
15 windmill supplying it.

SECT. 3. Any person sustaining damage by such tak-
2 ing, detaining, diverting, and using of waters, or by tak-
3 ing and using of lands of his, shall be paid a just com-
4 pensation therefor by said corporation. If such person
5 and said corporation do not agree upon the amount of said
6 compensation, such person may, within twelve months
7 after such filing of plans and statements of damages
8 offered as is hereinafter provided for, apply to the com-
9 missioners of the county of Hancock, and cause such
10 damages to be assessed in the same manner, and under
11 the same conditions, restrictions and limitations, as are by
12 law prescribed in the case of damages by the laying out
13 of highways, so far as such law is consistent with the pro-
14 visions of this act.

If said company should fail to pay such land owner
16 within ninety days after taking, when there is no contest
17 on the question of damages, or fail to deposit for his use
18 with the clerk of the county commissioners aforesaid such
19 sum as may be finally awarded as damages with costs

20 when recovered by him, within ninety days after notice
21 of final judgment shall have been received by the clerk
22 of courts of said county, the said location shall become
23 thereby invalid, and said company forfeit all rights under
24 the same, as against such land owners. Said company
25 may make a tender to any land owner damaged under the
26 provisions of this act, and if such land owner recovers
27 more damages than were tendered him by said company,
28 he shall recover costs, otherwise said company shall
29 recover costs. In case said company shall begin to occupy
30 such lands before the rendition of final judgment, the
31 owner may require said company to file its bond to him
32 with said county commissioners, in such sum and with
33 such sureties as they approve, conditioned for said pay-
34 ment or deposit. No action shall be brought against said
35 company for such taking, holding, and occupation until
36 after such failure to pay or deposit as aforesaid.

SECT. 4. When said company shall have occasion to
2 take, detain, divert, or use any waters as aforesaid, or
3 take and use any lands as aforesaid, it shall cause a state-
4 ment of such waters, and a description of such lands, with
5 a plan thereof, and a statement of the amount of damages
6 it is willing to pay each person for the property so taken
7 or used, to be filed in the Registry of Deeds for Hancock
8 county, and also in the office of the town clerk of Castine,
9 and public notices, announcing that said filing has been
10 made, shall be conspicuously posted in said town of Cas-
11 tine, at the same date, and within ten days of such filing,
12 a copy of such statement and description shall be pub-
13 lished three weeks successive in some public newspaper
14 in said Castine, or in Ellsworth in said county. Such

15 water or land shall be deemed to have been taken at the
16 date of such filing. The corporation shall occupy no
17 water nor lands until the expiration of ten days from the
18 date of said filing, but may make all needful surface
19 explorations, and surveys, and levels, or any lands or
20 waters in said Castine, prior to such filing. The corpo-
21 ration shall not take, nor in any manner encroach upon
22 the land known as Fort George in said Castine, nor the
23 land immediately surrounding it, bounded southwesterly
24 by land occupied by Charles F. Bates, and on the other
25 three sides by town ways.

SECT. 5. Said company is hereby authorized to lay,
2 construct and maintain its pipes, in and under the lands of
3 private persons or corporations, and in and under the high-
4 ways, ways, streets, railroads, and bridges in said town,
5 and to take up, replace and repair all such pipes, hydrants
6 and structures as may be necessary for the purposes of its
7 incorporation, to enter upon, pass over, and excavate any
8 lands, or any highways or other way. The excavating,
9 and other using of the public lands, ways, and structures
10 in said town, shall be under such regulations and restric-
11 tions as the municipal officers shall prescribe. Amend-
12 ment we ask for to be added to section 5.

SECT. 6. Said company shall have the power to cross
2 any water course, public or private sewer, or to change
3 the direction thereof and said company shall be liable for
4 any injury caused thereby. Whenever said company shall
5 lay down any fixture in any highway, way, or street, or
6 make any alteration or repairs upon its works in any high-
7 way, way, or street, it shall cause the same to be done
8 with as little obstruction to public travel as may be prac-

9 ticable, and shall, at its own expense, without unnecessary
10 delay, cause the earth and sidewalks then removed by it,
11 to be replaced in proper condition.

SECT. 7. Said company shall in all cases be liable
2 to pay to said town all sums which said town may be com-
3 pelled to pay for damages, by reason of any defect in any
4 highway, way, or street therein, occasioned by any fault
5 or neglect of said company, provided said company shall
6 have notice of any suit wherein such damages are claimed,
7 and shall be allowed to defend the same at its own ex-
8 pense.

SECT. 8. Said company is hereby authorized to pur-
2 chase at such prices and upon such terms and conditions,
3 as may be agreed upon between said company and the
4 owner or owners thereof, any artesian well, spring, reser-
5 voir, pipes, hydrants, or other appurtenances, or any lands
6 which it may deem necessary to carry out the purposes set
7 forth in its charter.

SECTION 9. Said company may distribute the water
2 through the said town of Castine and to the shipping along
3 the water front, may regulate the use of said water, fix and
4 collect water rates to be paid for the same from time to time,
5 but such rates shall not exceed those of other towns in
6 Maine, of the general size and circumstances of Castine
7 and similarly situated.

SECT. 10. Said company is hereby authorized to make
2 contracts with the United States, the state of Maine,
3 other corporations, owners and operators of steam and
4 sailing vessels, and with the inhabitants and temporary
5 residents of the town of Castine for the purpose of sup-
6 plying water as contemplated by the charter of the com-
7 pany.

The said town of Castine is hereby authorized by a majority vote at any meeting legally called therefor to instruct its selectmen or a majority of them to enter into contract with said company for a supply of water for fire and other municipal purposes on such terms as the parties may agree, including the remission of taxes upon the real estate, fixtures and plant of said corporation and may raise money therefor in the same manner as for other town charges.

SECT. 11. Whoever shall without the written consent of said company make any opening in any of the pipes of said company for the purpose of using water from the same, or attach any faucet, valve or other device to any pipe leading from the pipes of said company, or to any tank supplied from the pipes of said company, through which the water of said company may be used without its knowledge, or whoever shall use the water of said company without its knowledge and written consent shall be liable to said company for three times the rates established for said uses to be recovered in an action on the case.

SECT. 12. The capital stock of said company shall be twenty-five thousand dollars and may be increased to fifty thousand dollars by a vote of said company at any meeting legally called for that purpose, and said stock shall be divided into shares of one hundred dollars each.

SECT. 13. Said company may issue its bonds, for the construction of its works of any and all kinds, and for the purchase of property real and personal, in such amounts not exceeding the amount of capital stock actually subscribed, and upon such time and rate of interest as it may

6 deem expedient, and secure the same by a mortgage of its
7 franchise and property.

SECT. 14. The first meeting of said company may be
2 called by a written notice thereof signed by any one of the
3 corporators served upon each of his associates by giving
4 him the same in hand, or mailing the same to his last and
5 usual address seven days before the time of meeting.

SECT. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 20, 1895. }

Reported by Mr. PARSONS of Foxcroft, from Committee on Judiciary, read twice, House ordered printed under joint rules.

W. S. COTTON, *Clerk.*