

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 466

STATE OF MAINE.

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

AN ACT to supply the town of Lubec with pure water.

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

Section 1. The town of Lubec, or the trustee hereinafter
2 provided for, or any corporation of which either may obtain
3 control, as provided in section two, either directly or
4 through ownership of stock, are authorized and empowered
5 to take water from Marston's spring, and any other spring
6 or springs in the town of Lubec, from East stream in the
7 town of Trescott in the county of Washington, and from
8 Orange river in the town of Whiting in said county of
9 Washington, sufficient for domestic purposes in said town
10 of Lubec, including a sufficient quantity for extinguishing
11 fires, and the supply of hotels, livery stables, and laundries,
12 and for sprinkling streets within said town, and for the pur-
13 poses aforesaid, to take and convey through the town of

14 Lubec, and to all points thereof, any of the waters aforesaid
15 by aqueduct or pipe sunk to any depth desirable for said
16 purposes.

Sect. 2. The town of Lubec, or said trustee may make
2 any necessary contract with any person or corporation for
3 acquiring the ownership of a system of water works within
4 said town, whereby the town, or said trustee may be en-
5 titled to purchase the whole at one time, or to purchase the
6 same in installments through a period of years.

Sect. 3. For the purpose of carrying out the provisions of
2 this act, said town or said trustee, or any corporation of
3 which either may obtain control as provided in section two,
4 either directly or through ownership of stock, shall have
5 power and are hereby authorized to take and hold by pur-
6 chase or otherwise, any lands or real estate necessary for
7 laying and maintaining pipes, locks, gates, dams, hydrants,
8 and reservoirs for taking, conducting, holding, discharging
9 and distributing water, and for roadways to be used as ap-
10 proaches thereto, doing no unnecessary damage.

They may enter upon said lands to make surveys and loca-
12 tions, and shall file in the registry of deeds in the county of
13 Washington plans of such location and land showing the
14 property taken and within thirty days thereafter, publish
15 such notice of such taking and filing in some newspaper in
16 said county, such publication to be continued three weeks
17 successively; and said filing in the registry of deeds shall
18 be in lieu of any other filing now required by law.

Said town, or said trustee, may permit the use, for said
20 purposes, of any lands so taken by it, by any person or cor-
21 poration, with which it has made such a contract as is de-
22 scribed in section two whereby the town may be entitled
23 to acquire the ownership of a system of water works in said
24 town.

Sect. 4. Should the town or said trustee, or such corporation, and the owner of such land be unable to agree upon the damages to be paid for such location taken and holding, the land owner, or the town, or trustee, or such corporation, may within six months after the filing of said plans and location, apply to the commissioners of the county of Washington, who shall cause such damages to be assessed in the same manner and under the same conditions, restrictions, limitations and rights of appeal, as are by law prescribed in the case of damages for the laying out of highways, so far as such law is consistent with the provisions of this act.

Sect. 5. The town of Lubec, or said trustee, or any corporation of which either may obtain control, as provided in section two, either directly or through ownership of stock, are authorized and empowered to contract with any person or corporation to construct aqueducts, pipes, dams, reservoirs, locks, gates, hydrants, and other necessary structures upon lands so taken, as hereinbefore prescribed. Any such corporation organized to construct any such aqueduct, is empowered to place all or any part of its capital stock in the name of a trustee, or trustees, and to contract that said trustee, or trustees, shall sell and deliver the same to the town in installments, from year to year, as may be agreed upon.

Sect. 6. For the purpose of carrying into effect the provisions of this act, the town of Lubec, at a meeting duly called therefor, may, as soon as this act takes effect, and shall, as soon as the town comes into ownership, control or management of a system of water works, by building, purchase, or otherwise, elect by ballot three water commissioners, the three first chosen as aforesaid, shall serve, one for one year, one for two years, and one for three years,

9 and thereafterwards one commissioner shall be elected an-
10 nually in the month of March to serve for a term of three
11 years. Said commissioners are authorized to fix the water
12 rates and determine the conditions and manner of the wa-
13 ter supply, and shall have the general control and manage-
14 ment of the water system owned by the town. They shall
15 receive such compensation for their services as may be
16 fixed by the town.

Sect. 7. Said town or said trustee, or any corporation of
2 which either may obtain control directly or indirectly, as
3 described in section two, are authorized, for the purposes
4 of carrying into effect the provisions of this act, to dig up
5 and excavate any highway, lay pipe therein, and fill the
6 same under the direction of the selectmen.

Sect. 8. Whenever said town, or said trustee, or any cor-
2 poration of which either may obtain control, as provided
3 in section two, either directly or through ownership of
4 stock, shall, under section one, take water from any of the
5 sources therein named, it shall file in the registry of deeds
6 in the county of Washington, a notice of such taking, de-
7 scribing the size, location and depths of the pipe, or pipes,
8 through which said water is to be taken from said sources.
9 The said town, or said trustee, or said corporation, shall
10 pay all damages sustained by any person or corporation in
11 property by the taking of any water, water sources, water
12 right or easement, or any other thing done by said town, or
13 by said trustee, or by said corporation first named in this
14 section, under the authority of this act which shall be de-
15 termined and assessed in the same manner as provided in
16 section four, for land taken under the provisions of this act.

Sect. 9. Said town of Lubec may transfer its franchise
2 herein granted to any person, or persons, or corporation
3 by vote of the town at a legal meeting called for that pur-

4 pose to hold in trust for the benefit of said town, said trustee
5 shall thereupon proceed to construct a system of water
6 works in said town for the benefit of said town as per the
7 provisions of this act, and said trustee or trustees may con-
8 tract with any person, or persons, or corporation, to con-
9 struct said system; said trustee being entitled to receive the
10 net profits of said property with a certain sum to be voted
11 by the town annually to be applied to the principal cost of
12 construction and interest thereon and all bonds thus paid
13 by the town shall be sold and transferred by said trustee to
14 said town discharged of said trust. Such trustee with the
15 consent of the town, may also create or hold security on
16 said property, rights, privileges and franchises for money
17 advanced by said trustee or by any person or corporation
18 in constructing said system of water works.

Sect. 10. For the purpose of raising money to carry out
2 the provisions of this act said town of Lubec may issue
3 bonds, registered or with interest coupons, under the direc-
4 tion of the inhabitants thereof at a legal meeting called
5 therefor, to an amount which, taken in connection with
6 other indebtedness of said town, will not exceed the
7 amount limited by the constitution of Maine. Said bonds
8 and coupons to be signed by the treasurer of said town
9 and shall be designated "The Lubec Water Loan."

Sect. 11. The rates for supplying water under this act
10 shall be fixed so that all expense for repairs and manage-
11 ment shall be paid annually with interest.

Sect. 12. This act shall become null and void in four
2 years from the time when the same takes effect, unless the
3 town or its trustee shall have commenced the construction
4 of its works under this charter.

Sect. 13. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 15, 1901.

Reported by Mr. HARRIS of Auburn, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*