

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-EIGHTH LEGISLATURE

HOUSE NO. 279

House of Representatives, Feb. 13, 1917.

Referred to Committee on Legal Affairs and one thousand copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Conary of Bucksport.

STATE OF MAINE

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

AN ACT to supply the town of Bucksport with water.

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

Section 1. The town of Bucksport or the trustees here-
2 inafter provided for, or any corporation of which either
3 may obtain control, as provided in Section two, either di-
4 rectly or through ownership of stock, are authorized and
5 empowered to take water from any spring or springs or
6 ponds in the town of Bucksport in the county of Hancock,
7 sufficient for domestic purposes in said town of Bucksport.
8 including a sufficient quantity for extinguishing fires, and
9 the supply of hotels, livery stables, laundries, sprinkling

10 streets within said town, and for all domestic purposes, to
11 take and convey through the town of said Bucksport, and to
12 all points thereof, any of the waters aforesaid by aqueduct
13 or pipe sunk to any depth desirable for said purposes.

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

Sect. 3. For the purpose of carrying out the provisions
2 of this act said town or trustee or any corporation of which
3 either may obtain control as provided in Section two, either
4 directly or through ownership of stock, shall have power
5 and are hereby authorized to take and hold by purchase or
6 otherwise, any lands or real estate necessary for laying and
7 maintaining pipes, locks, gates, dams, hydrants, and reser-
8 voirs for taking, conducting, holding, discharging, and dis-
9 tributing water, and for roadways to be used as approaches
10 thereto, doing no unnecessary damage. They may enter
11 upon said lands to make surveys and locations, and shall
12 file in the Registry of Deeds in the county of Hancock
13 plans of such location and land showing the property taken
14 and within thirty days thereafter, publish such notice of
15 such taking and filing in some newspaper in said county,
16 such publication to be continued three weeks successively;
17 and said filing in the registry of deeds shall be in lieu of any

18 other filing now required by law. Said town, or said trustee,
19 may permit the use, for said purposes, of any land so taken
20 by it, by any person or corporation, with which it has made
21 such a contract as is described in Section two, whereby the
22 town may be entitled to acquire the ownership of a system
23 of waterworks in said town.

Sect. 4. Should the town or said trustee, or such corpora-
2 tion, and the owner of such land be unable to agree upon
3 the damages to be paid for such location taken and holding,
4 the land owner, or the town, or trustee, or such corpora-
5 tion, may within six months after the filing of said plans and
6 location, apply to the commissioners of the county of Han-
7 cock, who shall cause such damages to be assessed in the
8 same manner and under the same conditions, restrictions,
9 limitation and rights of appeal, as are by law prescribed in
10 the case of damages for the laying out of highways, so far
11 as such law is consistent with the provisions of this act.

Sect. 5. The town of Bucksport, or said trustee, or any
2 corporation of which either may obtain control, as provided
3 in Section two, either directly or through ownership of
4 stock, are authorized and empowered to contract with any
5 person or corporation to construct aqueducts, pipes, dams,
6 reservoirs, locks, gates, hydrants, and other necessary struc-
7 tures upon lands so taken, as hereinbefore prescribed. Any
8 such corporation organized to construct any such aqueduct,
9 is empowered to place all or any part of its capital stock
10 in the name of a trustee, or trustees, and to contract with

11 said trustee, or trustees, shall sell and deliver the same to
12 the town in installments, from year to year, as may be
13 agreed upon.

Sect. 6. For the purpose of carrying into effect the pro-
2 visions of this act, the town of Bucksport, at a meeting
3 duly called therefor, may, as soon as this act takes effect,
4 and shall, as soon as the town comes into ownership, control
5 or management of a system of waterworks by building, pur-
6 chase, or otherwise, elect by ballot three water commis-
7 sioners, the three first chosen as aforesaid, shall serve, one
8 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 water
13 supply, and shall have the general control and management
14 of the water system owned by the town. They shall receive
15 such compensation for their services as may be fixed by the
16 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 same
6 under the direction of the selectmen.

Sect. 8. Whenever said town, or said trustee, or any
2 corporation of which either may obtain control, as pro-

3 vided in Section two, either directly or through ownership
4 of stock, shall, under Section one, take water from any of
5 the sources therein named, it shall file in the registry of deeds
6 in the county of Hancock, a notice of such taking, describ-
7 ing the size, location and depth, of the pipe or pipes, through
8 which said water is to be taken from said sources. The said
9 town, or said trustee, or said corporation, shall pay all dam-
10 ages sustained by any person or corporation, in property by
11 the taking of any water, water sources, water right or ease-
12 ment, or any other thing done by said town, or by said
13 trustee, or by said corporation first named in this section,
14 under the authority of this act, which shall be determined
15 and assessed in the same manner as provided in Section
16 four, for land taken under the provisions of this act.

Sect. 9. Said town of Bucksport may transfer its fran-
2 chise 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 trus-
5 tee 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 by
13 the town shall be sold and transferred by said trustee to said

14 town discharged of said trust. Such trustee with the con-
15 sent of the town, may also create or hold security on said
16 property, rights, privileges and franchises for money ad-
17 vanced by said trustee, or by any person or corporation in
18 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 Bucksport 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, in connection with other in-
6 debtedness of said town, shall not exceed the amount limited
7 by the constitution of Maine. Said bonds and coupons to be
8 signed by the treasurer of said town and shall be designated
9 "The Bucksport Water Loan."

Sect. 11. The rates for supplying water under this act
2 shall be fixed so that all expense for repairs and manage-
3 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 of
4 its works under this charter.