

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

CHAP. 489

—town may
provide
court room.

time provide a court room, in which case the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time by the judge, at his direction, but it shall be considered in constant session for the cognizance of criminal actions.'

Section 17
amended.

Section 4. Section seventeen of said chapter twenty-three of the special laws of eighteen hundred and ninety-nine is hereby amended by adding thereto after the word "town" in the second line the letter 's' and by adding thereto after the word "Newport" in the second line the words, 'Corinna, Stetson and Plymouth,' so that said section as amended shall read as follows:

Jurisdiction
of trial jus-
tices
restricted.

'Section 17. Trial justices are hereby restricted from exercising any jurisdiction in the towns of Newport, Corinna, Stetson and Plymouth over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum; provided, that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.'

Section 18
amended.

Section 5. Section eighteen of said chapter twenty-three of the public laws of eighteen hundred and ninety-nine is hereby amended by adding thereto, after the word "town" in the third line the letter 's' and after the word "Newport" in the third line the words, 'Corinna, Stetson and Plymouth,' so that said section as amended shall read as follows:

Pending
actions, how
disposed of.

'Section 18. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the towns of Newport, Corinna, Stetson and Plymouth, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.'

Approved March 22, 1901.

Chapter 489.

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:

Town or
trustee au-
thorized to
take water.

Section 1. The town of Lubec, or the trustee hereinafter provided for, 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 take water from Marston's spring, and any other spring or springs in the town of Lubec, from East stream, in the town of Trescott, in the county of Washington, and from Orange river, in the town of Whiting,

—purposes.

in said county of Washington, sufficient for domestic purposes in said town of Lubec, including a sufficient quantity for extinguishing fires, and the supply of hotels, livery stables, and laundries, and for sprinkling streets within said town, and for the purposes aforesaid, to take and convey through the town of Lubec, and to all points thereof, any of the waters aforesaid by aqueduct or pipe sunk to any depth desirable for said purposes.

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

Authorized to acquire a system of waterworks.

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

May take land, etc.

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

--shall file plan of location in registry of deeds.

Said town, or said trustee, may permit the use, for said purposes, of any lands so taken by it, by any person or corporation, with which it has made such a contract as is described in section two, whereby the town may be entitled to acquire the ownership of a system of water works in said town.

--may permit use of lands taken.

Section 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

Damages, how ascertained in case of disagreement.

CHAP. 489

of highways, so far as such law is consistent with the provisions of this act.

May contract for construction of works.

Section 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.

—said corporation may place any or all of its capital in name of trustee.

Water commissioners, election of.

Section 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, and thereafterwards one commissioner shall be elected annually in the month of March to serve for a term of three years. Said commissioners are authorized to fix the water rates and determine the conditions and manner of the water supply, and shall have the general control and management of the water system owned by the town. They shall receive such compensation for their services as may be fixed by the town.

—tenure.

—may fix water rate.

—compensation.

May lay pipes in any highway.

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

Shall file plan of location in registry of deeds.

Section 8. Whenever said town, or said trustee, or any corporation of which either may obtain control, as provided in section two, either directly or through ownership of stock, shall, under section one, take water from any of the sources therein named, it shall file in the registry of deeds in the county of Washington, a notice of such taking, describing the size, location and depth of the pipe or pipes, through which said water is to be taken from said sources. The said town, or said trustee, or said corporation, shall pay all damages sustained by any person or corporation in property by the taking of any water, water sources, water right or easement, or any other thing done by said

—liable for damages for taking water.

town, or by said trustee, or by said corporation first named in this section, under the authority of this act which shall be determined and assessed in the same manner as provided in section four, for land taken under the provisions of this act.

Section 9. Said town of Lubec may transfer its franchise herein granted to any person, or persons, or corporation by vote of the town at a legal meeting called for that purpose to hold in trust for the benefit of said town, said trustee shall thereupon proceed to construct a system of water works in said town for the benefit of said town as per the provisions of this act, and said trustee or trustees may contract with any person, or persons, or corporation, to construct said system, said trustee being entitled to receive the net profits of said property, with a certain sum to be voted by the town annually to be applied to the principal cost of construction and interest thereon and all bonds thus paid by the town shall be sold and transferred by said trustee to said town discharged of said trust. Such trustee with the consent of the town, may also create or hold security on said property, rights, privileges and franchises for money advanced by said trustee or by any person or corporation in constructing said system of water works.

Trustees may be chosen to construct works.

—may contract for construction of works.

—trustee may hold security on property.

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

Town may issue bonds.

—how signed

Section 11. The rates for supplying water under this act shall be fixed so that all expense for repairs and management shall be paid annually with interest.

Rates shall be sufficient for repairs and management.

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

When act shall become void.

Section 13. This act shall take effect when approved.