

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-SECOND LEGISLATURE

OF THE  
STATE OF MAINE

1905.

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Published by the Secretary of State, agreeably to Resolves of  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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**Chapter 375.**

An Act to authorize the town of Castine to construct for itself and for persons and corporations a system of water works within said town.

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

Castine, town of, authorized to operate system of water works.

Section 1. The town of Castine, in the county of Hancock, is hereby authorized and empowered to construct, maintain and operate a system of water works of sufficient capacity to supply to said town, to its inhabitants, to corporations located in said town, to public buildings now erected or which may be hereafter erected in said town, and to owners or masters of shipping making application therefor, pure water for municipal, domestic and other lawful purposes, including the extinguishment of fires, with all the rights and privileges and subject to all the liabilities and obligations conferred and incumbent upon water companies by the general laws of the state.

Authorized to exercise right of eminent domain.

Section 2. Said town is hereby authorized and empowered to acquire by purchase, or by exercise of the right of eminent domain, which right is hereby expressly delegated to said town for said purpose, any real or personal estate necessary and convenient for the purposes aforesaid.

--to take water from sources in Castine.

Section 3. For the purposes aforesaid said town is hereby authorized to take and use water from any spring, pond or lake in said town of Castine, to conduct and distribute the same into and through the said town, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any water course, bridge, street, highway or other way; and said town is further authorized to enter upon and excavate any highway or other way in such manner as least to obstruct the same; to enter, pass over and excavate any land and to take and to acquire by purchase or by the exercise of the right of eminent domain, any rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. And said town is further authorized, for the purpose of making all needed repairs, or service connections, to lay its pipes through any public or private lands or ways, with the rights to enter upon the same and dig therein, and said town may establish written regulations for the use of said water.

--may lay pipes, etc., to locate dams.

--to lay pipes through public or private lands

Damages, liability for.

Section 4. Said town shall be held liable to pay all damages that shall be sustained by any persons, by the taking of any land, water, rights of way or other property, or by excavating through any land for the purposes of surveying, locating, laying

or building dams, reservoirs, pipes and aqueducts, and for any other injuries resulting from said acts; and if any person sustaining damages aforesaid shall not agree with said town upon the sum to be paid therefor, either party on petition to the county commissioners of Hancock county, within twelve months from the time any damage or injury has been committed by said town, may have said damage or injury assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said twelve months shall be held to be a waiver of the same.

Section 5. Said town is hereby authorized to lay down and maintain in and through the streets and ways of said town, all such pipes, aqueducts and fixtures as may be necessary for the purposes hereinbefore specified.

May lay pipes in streets.

Section 6. Said town is hereby authorized to contract with the United States, the state of Maine, and all persons and corporations to supply the same with water for all purposes upon such terms and conditions as may be mutually agreed upon.

May contract for supplying water.

Section 7. The said town shall not take, nor in any manner encroach upon the land known as Fort George in said Castine, nor the land immediately surrounding it, bounded southwesterly by land occupied by Charles F. Bates, and on the other three sides by town ways, nor upon the observatory lot near the highest point of the peninsula of Castine, bounded northeasterly by the private way which enters High street between land of Mary G. McClintock and the late W. C. Collins, southwesterly by the land formerly known as the Back Point pasture, northwesterly by the private way leading from first named way to the private way adjoining said Back Point pasture, and southeasterly by the land formerly known as Perkins' front pasture and by land occupied by Castine Water Company.

Shall not encroach on certain lands

Section 8. Said town is hereby authorized to purchase, and the Castine Water Company is hereby authorized to convey, any or all of the stock or bonds of the Castine Water Company and any or all of the rights, property, franchises and privileges of said Castine Water Company. Said town is also hereby authorized to purchase, and the Castine Aqueduct Company is hereby authorized to convey, any or all of the property, franchises and privileges of said Castine Aqueduct Company.

May purchase rights, franchises, etc., of Castine Water Company.

Section 9. Said town is hereby authorized and empowered to raise any sums of money, necessary for the carrying of the purposes of this act into effect, by taxation or by loan, issuing

May raise money for purposes of this act.

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the notes or bonds of the town therefor, or in part by taxation and in part by loan.

Authorized to assign rights granted by this act.

Section 10. Said town is hereby authorized and empowered to sell, assign and transfer all the rights, privileges and franchises granted by this act, upon such terms and conditions as may be agreed upon by said town and the persons or corporation desiring to purchase the same, upon a vote of the citizens of said town at any legal meeting therein.

Act shall be void if Castine Water Company complete its system before Oct. 30, 1906.

Section 11. This act shall be null and void if the Castine Water Company, on or before October thirtieth, in the year nineteen hundred and six, shall complete its system of water works so as to enable it to reasonably perform the terms of a certain contract made between itself and said town, dated October sixth in the year one thousand eight hundred and ninety-six. The determination of the question as to whether said Castine Water Company has thus completed its system shall be left to a competent engineer who shall be chosen by any justice of the supreme judicial court, in term time or vacation, upon application in writing made by said town or said Castine Water Company, and the determination of said engineer shall be final.

Town shall give notice, to Castine Water Company, of intention to commence operations.

Section 12. Before said town, or any person, partnership or corporation to whom said town may assign its rights under this act, shall commence operations under the provisions hereof, it shall give notice in writing to said Castine Water Company of its intention thus to commence operations, and thereupon said town, or its said assigns, shall proceed no further in commencing said operations for a period of thirty days after said notice in writing has been given to said Castine Water Company. During said period of thirty days said Castine Water Company shall give notice in writing to said town, or its assigns, declaring whether or not it, the said Castine Water Company, desires to sell, assign or transfer to said town or to its said assigns, all the property, franchises, rights and privileges of said water company.

--further proceedings.

If said town or its said assigns cannot agree as to purchase price with said Castine Water Company within sixty days after said Castine Water Company has indicated as aforesaid, its desire to sell, assign or convey its said property, franchises, rights and privileges, then upon petition in writing of either said Castine Water Company, said town, or its said assigns, addressed to any justice of the supreme judicial court in term time or vacation, said justice, after such notice as he may deem proper to the other parties in interest, may appoint a commission of three persons, one to be a competent, disinterested hydraulic engineer, who shall view and examine all the property, franchises, rights and privileges which said Castine Water Company

--commission for appraisal.

may then possess, ascertain and fix the present value of said property, franchises, rights and privileges, and the determination of said commission, after hearing, as to said value, shall be final. Should said town of Castine or its said assigns, for a period of ninety days after the determination of said commission refuse to take and pay said value for said property, franchises, rights and privileges, then said Castine Water Company may petition said supreme judicial court or any justice thereof, in term time or vacation, praying for order of said court to compel said town, or its said assigns, to take and pay said value for said property, franchises, rights and privileges. And in like manner should said Castine Water Company refuse to convey, in consideration of said value, then said town or its said assigns may proceed in like manner to obtain an order of said court compelling said water company to convey as aforesaid. For the purposes herein full jurisdiction is hereby given to said court, or to said justice, over the entire matter, including application of the purchase money, discharge of incumbrances and transfer of the property.

Approved March 24, 1905.

### Chapter 376.

An Act to extend the Charter of the Bluehill and Bucksport Electric Railroad Company.

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

Section 1. The rights, powers and privileges of the Bluehill and Bucksport Electric Railroad Company, which were granted by chapter one hundred and fifty-seven of the private and special laws of eighteen hundred and ninety-nine, are hereby extended for two years additional; and the persons named in said act, their associates and successors, shall have all the rights, powers and privileges that were granted them by said act, to be exercised in the same manner and for the same purposes as specified in said act.

Charter  
extended for  
two years.

Section 2. This act shall take effect when approved.

Approved March 24, 1905.