

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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1909

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 306

person or persons as they deem best for the interest of said town. Any person who shall take any alewives contrary to the provisions of this act shall be liable to a fine of not less than ten dollars for each offense, to be recovered by a complaint.

fish may be taken.
—may sell right to take alewives on certain days.
—penalty.

Approved March 24, 1909.

Chapter 306.

An Act to amend an Act entitled "An Act to incorporate the City of Gardiner."

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

Section 1. The judge of the municipal court for the city of Gardiner, in the county of Kennebec, shall receive an annual salary of eight hundred dollars, payable quarterly out of the county treasury of the county of Kennebec, on the first days of July, October, January and April, in lieu of the compensation now given him by law.

Salary of judge fixed.

Section 2. The governor, by and with the consent of the council and upon the recommendation of the judge, shall appoint a recorder of said court, who shall reside in said Gardiner, and hold office for the term of four years. In case of the absence of the judge from the court room, or when said judge shall be an interested party, the recorder shall have and exercise all the powers of the judge, including the authority to sign original writs and processes. In case of the death or resignation of said judge, said recorder shall act and be paid the salary of said judge until his successor is appointed and qualified. The said recorder shall receive an annual salary of three hundred dollars in full for all services, payable quarterly on the first days of July, October, January and April, from the treasury of the county of Kennebec.

Recorder, appointment of.

—tenure.

—powers of recorder.

—salary.

Approved March 24, 1909.

Chapter 307.

An Act to amend the Charter of the City of Auburn.

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

Section 1. Elections for the choice of a mayor, four aldermen and members of the superintending school committee, of the city of Auburn shall be held in the year one thousand nine hundred and ten, and biennially thereafter, on the first Monday of March.

Elections for choice of officers, when to be held.

CHAP. 307

Govern-
ment of
city, in
whom
vested.

—tenure of
office.

Superin-
tending
school com-
mittee, how
consti-
tuted.

—election
and tenure
of school
commit-
tee.

—vacan-
cies, how
filled.

Person re-
ceiving
highest
number of
votes shall
be de-
clared
elected.

—in event
of no elec-
tion war-
rants shall
be issued
for new
election.

Election of
officers in
1910.

—biennial
elections.

Section 2. The government of said city, and the administration of all its fiscal, prudential and municipal affairs shall be vested in a city council composed of one principal magistrate, to be styled a mayor, and four aldermen, all of whom shall be inhabitants of said city, and shall be elected by ballot from the citizens at large, by the inhabitants thereof voting in their respective wards. They shall hold their offices for two years beginning at ten o'clock in the forenoon on the third Monday in March of the year in which they are elected, and until others shall be elected in their places.

Section 3. The superintending school committee of said city shall consist of the mayor of the city, ex-officio, and six other members, who shall be inhabitants of said city and shall be elected by ballot from the citizens at large, by the inhabitants thereof voting in their respective wards. No person shall be ineligible to membership on the superintending school committee on account of sex. At the municipal election held on the first Monday in March in the year one thousand nine hundred and ten, there shall be elected two members of said committee to serve for a term of two years, two members to serve for a term of four years, and two members to serve for a term of six years; and biennially thereafter two members shall be elected to serve for a term of six years. Any vacancies upon said committee shall be filled by the city council, by the election of a member to serve for the unexpired term.

Section 4. At any city election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; and if two or more persons are to be elected to the same office, the several persons to the number to be chosen to such office receiving the highest number of votes shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen, and in such event warrants shall be issued forthwith for a new election to such office.

Section 5. On the first Monday of March in the year one thousand nine hundred and ten, the qualified voters of each ward shall ballot for a mayor, four aldermen, six members of the superintending school committee, a warden and a ward clerk; and on the first Monday of March biennially thereafter the qualified voters of each ward shall ballot for a mayor, four aldermen, two members of the superintending

CHAP. 307

school committee, a warden and a ward clerk; all the votes given for such several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length, The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

—votes for officers to be counted, declared, etc.

—ward clerk shall deliver certificates of election to persons elected.

In the year one thousand nine hundred and ten the board of aldermen, and thereafter the city council, shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid, and shall cause the persons who shall have been elected mayor, aldermen and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith.

—shall notify mayor, aldermen and members of superintending school committee of their election.

Section 6. The warden and ward clerk chosen as provided in the preceding section shall be residents of the wards for which they are elected, and shall hold their offices for two years from the Tuesday following the first Monday of March on which they are elected, and until others have been chosen and qualified in their stead; said warden and clerk shall be sworn to the faithful performance of their duties by the person presiding in said meeting, or by the clerk thereof, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk pro tempore shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in said capacity. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Warden and ward clerks shall be residents of wards for which elected.

—tenure of office.

—shall be sworn.

—warden shall preside at ward meetings.

—clerk shall record proceedings and certify votes given.

—notice of ward meetings.

Section 7. The mayor and aldermen elected as aforesaid shall meet at ten o'clock in the forenoon, on the third Monday

Mayor and aldermen shall sev-

CHAP. 307

erally take
oath of of-
fice.

—organi-
zation of
city coun-
cil.

—presi-
dent of
city coun-
cil.

Terms of
office of
certain of-
ficials shall
terminate
upon or-
ganization
of city
council
elected as
aforesaid.

—and
thereafter
city coun-
cil shall ex-
ercise all
powers.

City coun-
cil shall
appoint
times for
regular
meetings.
—special
meetings,
how called.

Quorum of
city coun-
cil.

of March in the year one thousand nine hundred and ten, and at ten o'clock in the forenoon on the third Monday of March biennially thereafter, and shall severally take oath before the city clerk or a justice of the peace to perform faithfully the duties of their respective offices. The city council shall thereupon be organized by the choice of a president, who shall be called the president of the city council, and shall hold his office during its pleasure. He shall be some member thereof other than the mayor. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non election of the mayor or of one or more of the four aldermen, provided that at least three of the persons entitled to be members of the city council are present and take oath as aforesaid. Any person entitled to take the aforesaid oath who was not present at the time above fixed therefor may take the same at any time thereafter.

Section 8. Upon the organization of the city council elected as aforesaid, on the third Monday of March in the year one thousand nine hundred and ten, the terms of office of the mayor, aldermen, common council, members of the superintending school committee, of the board of fire commissioners and board of public works then serving shall terminate; and thereafter the city council elected under this act shall have, possess, and shall exercise all the powers and duties then held, possessed and exercised by all or any, the mayor, municipal officers, aldermen, city council, board of public works, board of fire commissioners, overseers of the poor and park commissioners. The city council shall be the judge of the election of its own members.

Section 9. The city council shall by ordinance appoint suitable times for its regular meetings, which shall be held at least twice in each month. The mayor, or any two members of the city council or in case the mayor is absent from the city the president of the city council, may at any time call a special meeting, by causing a written notice stating the time and place of holding such meeting, signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place at least twenty-four hours before the time appointed for such meeting. Meetings of the city council may also be held at any time when all the members are and remain present and consent thereto.

Section 10. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public. The

CHAP. 307

mayor, if present, shall preside, and shall have the right to vote on all questions. Subject to such conditions as the city council may from time to time by ordinance or rule determine, any tax payer or voter of said city may address the city council, but not vote, when any ordinance, order or resolution for appropriating money or fixing any salaries is under consideration. The mayor shall also appoint all committees of the city council. In the absence of the mayor the president of the city council shall preside, and in the absence of both a chairman pro tempore shall be chosen. The city clerk shall be ex-officio clerk of the city council, and shall keep the records of its proceedings. All votes of the members of the city council shall be by yeas and nays if any member so requests, and shall be entered upon the records. The affirmative votes of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote. The mayor shall have no power of veto, and no order, ordinance, resolution or vote which the city council shall make or pass shall be presented to him for, or shall require his approval in order to be effective; and the city council may, without the approval of the mayor, do all things which the city council, board of mayor and aldermen, board of aldermen and common council, or any of them, may now do, with such approval.

Section 11. The city council shall not make or pass any order, resolution or vote to appropriate money in excess of five hundred dollars, or make or authorize the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and remains on file in the office of the city clerk at least one week before its passage, except an order, resolution or vote for preservation of the public peace, health or safety, which contains a statement of its urgency, and is made or passed by a four-fifths vote. No vote of the city council granting a franchise of any description to any person or corporation, shall be valid unless the same be approved by a vote of the qualified voters of the city, voting in their respective wards at the biennial municipal election, or at a special election to be called therefor. But this provision shall not be construed to deprive the city council of the authority now conferred by law over poles, wires, pipes and conduits in the streets of the city, and future extensions and locations thereof. The city council shall raise and set apart each year, for a sinking fund, a sum equivalent to two per cent of the total appropriations for each year. The sinking

—mayor shall preside and have right to vote.

—presiding officer.

—city clerk shall be ex-officio clerk of city council, and keep records.

—all votes shall be by yeas and nays.

—mayor shall have no power of veto.

Appropriations in excess of \$500.

—franchises, how granted.

—exception.

—sinking fund set apart.

CHAP. 307

—how applied.

fund shall be applied to the payment of the bonded indebtedness of the city, and shall be invested in bonds of the city or in such other bonds as savings banks in this state may from time to time be authorized to hold for investment, or may be deposited in such savings banks.

Salary and appropriation resolves, how passed.

Section 12. The annual salary resolve and the annual appropriation resolve shall only be finally passed at a regular meeting of the city council, and each shall be made up in complete form and filed with the city clerk at least fourteen days before the regular meeting at which each is in order for final passage; the city clerk shall give public notice in some newspaper selected by the city council, of the date of the meeting at which such resolve will be in order for final passage; such notice shall be given at least seven days prior to the date of such meeting, and at said meeting all tax payers and voters in the city shall be given an opportunity to be heard thereon.

—publication of receipts and expenditures.

The city council shall provide by ordinance for such publication of the receipts and expenditures of the city from time to time during each municipal year, as will give publicity and full and accurate information to the voters and tax payers of the city as to the administration of its affairs.

Administration of affairs of city may be divided into departments.

Section 13. The city council may by ordinance divide the administration of the affairs of the city into such departments as seem to them proper and advisable, and by vote or resolution may assign the oversight of each department to a member of said body, and may from time to time change such assignments.

—all accounts against the city to be audited.

All accounts against the city, except pay rolls, shall before payment be audited and allowed by the city council. The city council by ordinance may authorize the approval of the weekly pay roll of any department by the member of the city council to whom oversight of that department is assigned.

City council constituted overseers of the poor.
—may appoint agent.

Section 14. The city council is hereby constituted the overseers of the poor of said city, and as such may appoint an agent to act for and under its direction and approval in matters relating to the poor of the city and persons having a pauper settlement therein. The written notices and written answers referred to in sections thirty-nine and forty of chapter twenty-seven of the revised statutes, may be signed and sent by such agent, and with the same effect as if signed and sent by the members of the city council themselves, and notices, sent to and addressed to said agent, shall be held to be notices to the overseers of the poor of said Auburn, and all

acts of said agent in his official capacity shall be held to be the acts of the overseers of the poor.

Section 15. Such powers of nomination, appointment, confirmation and election for and to office or position, of approval and consent to nominations and appointments, or removal from office and consent thereto, as are now vested in all or any, the mayor, mayor and aldermen, city council, board of aldermen, common council, board of fire commissioners and board of public works, shall be exercised by the city council by vote; the mayor shall no longer have the power to make nominations or appointments for or to office or removals therefrom, but shall have the same right to vote thereon as any other member of the city council. The mayor, however, may suspend any police officer until the next meeting of the city council.

Powers as now vested in the mayor, mayor and aldermen, etc. shall be exercised by the city council.

—mayor no longer to have power to make nominations or appointments, but may vote thereon.

Section 16. For the municipal year of one thousand nine hundred and ten, and until otherwise ordered by the city council, the annual salary of the mayor shall be five hundred dollars, and the annual salary of each alderman shall be three hundred fifty dollars. These salaries may be changed by any city council, but such change shall not take effect until the expiration of the existing terms of office of the mayor and aldermen making such change.

Salary of mayor and aldermen fixed until otherwise ordered.

—salaries may be changed by city council.

Section 17. No member of the city council shall during the term for which he was chosen, be eligible either by appointment or by election of the city council, to any other office the salary of which is payable by the city, or shall during such term hold any such office.

No member of city council eligible to any other office the salary of which is paid by city.

No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract for work or materials, or the purchase thereof, to be furnished or performed for the city. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm, or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply however to any free service now or hereafter provided for by contract, franchise or ordinance.

—shall not be interested in contract for work or supplies for city.

—no officer except policeman or fireman, shall accept frank, free pass or free ticket.

—exception.

Section 18. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the city council shall perform them, and if he also is absent or unable from any cause to perform the said duties, they shall be performed by such member of the city

Vacancy in office of mayor, duties by whom performed and vacancy how filled.

CHAP. 307

council as it may from time to time elect, until the mayor or president of the city council is able to perform the said duties, or until the vacancy is filled as hereinafter provided. The person upon whom such duties devolve shall be called "acting mayor," and shall possess the powers of mayor, but shall not act as a member of the superintending school committee.

Vacancy in the city council shall be filled by special city election, and for unexpired term.
—exception.

Section 19. If there is a vacancy in the city council, whether as to the mayor or one or more of the aldermen, the council shall by its remaining members call a special city election to fill the vacancy or vacancies, for the unexpired term or terms respectively, except that if such vacancy or vacancies occur less than six months prior to the biennial city election, the city council shall by its remaining members fill such vacancy or vacancies for the unexpired term or terms respectively. A person elected to fill such vacancy shall, before entering upon the duties of his office, take oath before the city clerk or a justice of the peace faithfully to perform the same.

Mayor shall be ex-officio member of school committee and preside at their meetings when present.

Section 20. The mayor of the city shall be ex-officio a member of the superintending school committee, and, when present, shall preside at their meetings. He shall have the right to vote upon all questions, and may appoint the standing committees of said body and fill vacancies therein; in case of a vacancy in the office of mayor, the standing committees may be constituted by resolution of the remaining members of the committee. Every vote of the school committee shall be taken by yeas and nays if any member so requests, and its vote shall be entered on its records. Five of its members shall constitute a quorum.

—may vote on all questions, appoint standing committees and fill vacancies therein.

Section 21. Nominations of candidates under this act shall be made by nomination papers filed with the city clerk at least fourteen days, exclusive of Sundays, previous to the day of election, stating the name and ward residence of the candidate, and the office for which he is nominated; no nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon. The nomination papers and the lists of candidates posted by the city clerk shall not contain any party, political, or other designation. Nominations of candidates for mayor shall be signed by at least two hundred qualified voters of said city. Nominations of candidates for aldermen shall be signed by at least one hundred fifty qualified voters of said city. Nominations of candidates for the superintending school committee shall be signed by at least one hundred fifty qualified voters of said city. All nominations for candidates for warden and ward clerk shall be signed by at least twenty-five qualified voters of the ward wherein said candidates are to be elected. Each voter sign-

—in case of vacancy in office of mayor.

—yea and nay votes shall be taken.

—quorum.

Nominations of candidates to be made by nomination papers.

—party designations not to appear on papers or posted lists.

—how nomination papers shall be signed.

ing a nomination paper shall make his signature in person and add to it his ward residence. No person shall sign nomination papers for a greater number of candidates than he has a right to vote for at the election for which the nominations are made. The nomination papers shall be presented to the city clerk for verification and certification of signatures as provided by section four of chapter six of the revised statutes; one of the signers to each such separate paper shall swear to the truth thereof and the certificate of such oath shall be annexed to or made upon the nomination paper. Section five of said chapter six shall not apply to nominations under this act.

—nomination papers shall be verified by city clerk.

Section 22. The official ballots and specimen ballots for use at municipal elections in said city shall not contain any party, political, or other designation. The names of the candidates shall be arranged in alphabetical order according to the surnames under the title of the office to be filled; but the names of candidates for the same office, for different terms of service therein, shall be arranged in groups according to the length of their respective terms. Beneath the title of the office shall be a brief direction to the voter directing him as to the number of candidates to be voted for for such office, such as "vote for one," "vote for two," and the like. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank places shall be left at the end of the list of the candidates for each different office, equal to the number of candidates to be elected thereto, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote, as a candidate for such office, and if any blank is filled, it shall not be necessary to place a cross in the square opposite such name. No names of candidates shall be printed upon an official ballot except the names of candidates nominated as provided in the preceding section. In all other respects the official ballots and the conduct of said elections in said city shall be in conformity with the laws of the state, now or hereafter in force, concerning elections under the secret ballot law.

Ballots and specimen ballots shall not contain party designation.

—names of candidates, how arranged on ballots.

—ballot shall contain brief direction to voter.

—method of marking ballot.

—blank spaces shall be left at the end of the list of candidates.

—no names shall be printed on official ballot except names of candidates nominated.

Section 23. This act shall be submitted for approval or rejection to the qualified voters of the city of Auburn, at an election to be held on the second Monday of September in the year one thousand nine hundred and nine, and warrants shall be issued for such election in manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several

This act to be submitted to the qualified voters of the city of Auburn.

CHAP. 307

ward meetings of said city, there to cast their ballots for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form:

Form of question to be submitted.

“Shall an act passed by the legislature in the year nineteen hundred and nine, approved (insert date) entitled ‘An Act to amend the Charter of the City of Auburn’, be accepted?”, otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law, for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided.

Additional question to be submitted.

At said election so to be held on the second Monday of September in the year one thousand nine hundred and nine, the following question shall also be submitted on the official ballot to the qualified voters of said city, and the warrants to be issued for said election shall also warn said voters to meet in the several ward meetings of said city, to cast their ballots thereon, namely:

Form of question.

“Shall the municipal elections for the choice of mayor, aldermen, members of the superintending school committee, wardens and ward clerk, be held annually after the year one thousand nine hundred and ten?” If the ballots cast upon said question in the affirmative equal in number a majority of all ballots cast for the approval or rejection of this act, this act shall be deemed to be amended by substituting the words ‘annual’ and ‘annually’ for the words “biennial” and “biennially” whenever they occur herein, relating to the municipal elections in said city for the choice of said officers; and said officers, excepting the members of the superintending school committee, shall hold their respective offices for the term of one year instead of two years as hereinbefore provided; and the third sentence in section three of this act shall be deemed to be amended so as to read as follows:

—when and how this act shall be deemed to be amended.

—third sentence in Section 3, this act, as deemed to be amended.

‘At the municipal election held on the first Monday in March in the year one thousand nine hundred and ten, there shall be elected two members of said committee to serve for a term of one year, two members to serve for a term of two years,

and two members to serve for a term of three years; and annually thereafter two members shall be elected to serve for a term of three years.'

Section 24. So much of this act as authorizes the submission of the question of its acceptance to the electors of the city of Auburn, shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of said city as hereinbefore provided. If accepted by the electors of said city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the first day of January in the year one thousand nine hundred and ten; and for all other purposes this act shall take effect on the third Monday of March, in the year one thousand nine hundred and ten; and thereupon chapter four hundred and two of the private and special laws of eighteen hundred and ninety-seven, establishing a board of fire commissioners for the city of Auburn; chapter four hundred and forty-five of the private and special laws of nineteen hundred and one, constituting the mayor and aldermen of said city overseers of the poor; chapter one hundred and thirty-seven of the private and special laws of nineteen hundred and three establishing a board of public works in said city; chapter one hundred and nine of the private and special laws of nineteen hundred and five, amending the act last named, and chapter forty-five of the private and special laws of nineteen hundred and five relating to the school committee of said city, and all other acts and parts of acts inconsistent herewith are hereby repealed, and the provisions of section ten of chapter four hundred and seventy-one of the private and special laws of eighteen hundred and sixty-eight, providing for the election of a street commissioner, and a chief engineer and other necessary engineers of the fire department, by the city council, are hereby revived; provided, however, that the chief engineer and the assistant engineers of the fire department then in office shall continue to hold office until their successors are elected by the city council, and that the engineers of the fire department thereafter elected by the city council shall have and exercise all the powers, and be subject to all the duties of fire wards, as provided by section five of said chapter four hundred and two of the private and special laws of eighteen hundred and ninety-seven in case of engineers elected by the board of fire commissioners; and provided further, that all by-laws and ordinances of the city of Auburn in force at

This act to take effect as provided in the constitution of the state so far as it authorizes submission of question to the electors.

—when act shall take effect, if accepted by electors of said city.

—certain acts repealed.

—certain acts revived.

—proviso.

CHAP. 308

—records of board of public works and of fire commissioners shall be completed and deposited with city clerk.

the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended. Upon this act taking effect the records of the board of public works of said city, and of the board of fire commissioners of said city shall be completed by the secretaries of said boards, and shall be deposited by them with the city clerk of said city.

Approved March 24, 1909.

Chapter 308.

An Act amending and extending the provisions of Chapter three hundred and seventy-five, Private and Special Laws of nineteen hundred and five, entitled "An Act to Authorize the Town of Castine to construct for itself and for persons and corporations a system of Water Works in said town."

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

Section 8, Chapter 375, special laws, 1905, amended.

Section 1. Section eight of said act is hereby amended by striking out the word "aqueduct" in the sixth and eighth lines and inserting instead thereof the words 'Acadia Aqueduct,' so that said section eight shall read as follows:

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

'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 Acadia Aqueduct Company is hereby authorized to convey, any or all of the property, franchises and privileges of said Castine Acadia Company.'

—and the Castine Acadia Aqueduct Co.

Section 11, amended.

Section 2. Section eleven of said act is hereby amended by striking out the word "six" in the third line and inserting in its stead the word 'ten' so that said section eleven shall read as follows:

Act shall be void if Castine Water Company completes its system before Oct. 20, 1910.

'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 ten, 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