

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 90

In Senate, Feb. 19, 1919.

Five hundred copies ordered printed and bill returned to
Committee on Judiciary.

P. F. CRANE, Secretary.

Presented by Mr. Buzzell of Belfast.

STATE OF MAINE

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

AN ACT to Incorporate the Belfast Water District.

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

Section 1. Territory and purpose. The territory and the
2 people of the city of Belfast shall constitute a body politic
3 and corporate under the name of Belfast Water District,
4 for the purpose of supplying the inhabitants of said city of
5 Belfast with pure water for domestic and municipal pur-
6 poses.

Sect. 2. Source of supply, rights and privileges. Said
2 district for the purposes of its incorporation is hereby au-
3 thorized to take and hold by purchase or as for public uses
4 by right of eminent domain, sufficient water from any lake,

5 pond or stream, located in the city of Belfast, or in the
6 towns of Northport, Knox, Waldo, Swanville, Searsport,
7 and Stockton Springs, or from wells or reservoirs therein,
8 and may take and hold by purchase or as for public uses
9 by right of eminent domain, any land or real estate therein,
10 or water rights necessary for dams, for flowage, for power,
11 for pumping its water supply through its mains, for reser-
12 voirs, for preserving the purity of the water and water shed,
13 for laying and maintaining aqueducts and other structures,
14 for taking, distributing, discharging and disposing of water,
15 and for rights of way or roadways to its sources of supply,
16 dams, power stations, reservoirs, mains, aqueducts, struc-
17 tures and lands.

Sect. 3. Damages, adjustment of. Said district shall be
2 liable for all damages that shall be sustained by any person
3 or corporation in their property by the taking of any land
4 whatsoever, or water, or by flowage, or by excavating
5 through any land for the purpose of laying pipes, building
6 dams or constructing reservoirs. If any person, sustaining
7 damage as aforesaid, and said corporation shall not mutu-
8 ally agree upon the sum to be paid therefor, such person
9 may cause his damages to be ascertained in the same man-
10 ner and under the same conditions, restrictions and limita-
11 tions as are, or may be, prescribed in the case of damages
12 by the laying out of highways.

Sect. 4. May lay pipes, etc., through streets and high-
2 ways. Said district is hereby authorized to lay in and

3 through the streets and highways thereof, and to take up,
4 repair and replace all such pipes, aqueducts and fixtures
5 as may be necessary for the objects above set forth, and
6 whenever said district shall lay any pipes or aqueducts in
7 any street or highway it shall cause the same to be done
8 with as little obstructions as possible to public travel and
9 shall at its own expense without unnecessary delay cause
10 the earth and pavement removed by it to be replaced in
11 proper condition.

Sect. 5. Affairs to be managed by board of trustees: how
2 and when elected: organization, tenure and compensation.
3 All the affairs of said district shall be managed by a board
4 of trustees, composed of three members, who shall be elected
5 by the city council of the city of Belfast annually, on the
6 third Monday of March, or as soon thereafter as convenient-
7 ly may be; but the first board of trustees may be elected
8 by said city council at any time after the acceptance of this
9 act. As soon as convenient after members of said board
10 have been chosen, said trustees shall hold a meeting and
11 organize by the election of a chairman and clerk, adopt a
12 corporate seal, and, when necessary, may choose a treas-
13 urer and all other needful officers and agents for the proper
14 conduct and management of the affairs of said district.
15 They may also ordain and establish such by-laws as are
16 necessary for their own convenience and the proper man-
17 agement of the affairs of said district. At said first meet-
18 ing the trustees so elected shall determine by lot the term

19 of office of each trustee so that one trustee shall retire each
20 year and whenever the term of office of a trustee expires
21 his successor shall be elected by said city council in the
22 same manner as subordinate officers of said city are elected
23 under its charter. The trustees so elected shall serve the
24 full term of three years; and in case a vacancy arises in
25 the membership of the board of trustees, it shall be filled
26 in like manner for the unexpired term. Said trustees may
27 procure an office and incur such expenses as may be neces-
28 sary. The chairman shall be the executive officer of said
29 board and receive a salary of two hundred dollars (\$200)
30 per year in full compensation for his services, the other
31 two members of said board shall receive a salary of fifty
32 dollars (\$50.00) each per year. At the close of each fiscal
33 year the trustees shall make a detailed report of their do-
34 ings, of the receipts and expenditures of said water district,
35 of its financial and physical condition and of such other
36 matters and things pertaining to said district as shall show
37 the inhabitants of said district how said trustees are fulfill-
38 ing the duties and obligations of their trust, such reports
39 to be made and filed with the municipal officers of the city
40 of Belfast on or before the first day of March of each year.
41 The report of said trustees shall be printed in the annual
42 report of said city.

Sect. 6. May acquire water plant of Belfast Water Com-
2 pany. Said water district is hereby authorized to acquire
3 by purchase the entire water plant, properties, franchises,

4 rights and privileges of the Belfast Water Company, except
5 its cash assets, including all lands, waters, water rights,
6 dams, structures, reservoirs, pipes, machinery, fixtures, hy-
7 drants, tools and all apparatus and appliances owned by
8 said Belfast Water Company and used or usable in supply-
9 ing water in said district. The said Belfast Water Com-
10 pany is hereby authorized to sell and transfer its water
11 franchises and properties to said water district by consent
12 of the city council of Belfast, expressed by concurrent vote
13 of its board of aldermen and common council.

Sect. 7. Present contracts to be fulfilled. All valid con-
2 tracts now existing between the Belfast Water Company
3 and any persons or corporations for supplying water shall
4 be assumed and carried out by said Belfast Water District
5 in case of purchase of water franchises and properties of
6 said Water Company.

Sect. 8. Temporary loan authorized: trustees may issue
2 bonds. For accomplishing the purposes of this act, said
3 water district, through its trustees, is authorized to borrow
4 money temporarily, and to issue therefor the interest-bear-
5 ing negotiable notes of the district: and for the purpose of
6 refunding the indebtedness so created; of paying any nec-
7 essary expenses and liabilities incurred under the provisions
8 of this act, including the expenses incurred in the creation
9 of the district; in acquiring the properties and franchises
10 of the Belfast Water Company; of securing sources of sup-
11 ply; taking water and land; paying damages; laying pipes;

12 constructing, maintaining and operating a water plant; and
13 making renewals, extensions, additions and improvements
14 to the same, the said water district, through its trustees,
15 may from time to time issue bonds of the district to an
16 amount necessary therefor in the judgment of the trustees.
17 Said notes and bonds shall be legal obligations of said
18 water district, which is hereby declared to be a quasi mu-
19 nicipal corporation within the meaning of section one hun-
20 dred and five (105) of chapter fifty-one (51) of the revised
21 statutes, and all the provisions of said section shall be ap-
22 plicable thereto. The said notes and bonds shall be legal
23 investments for savings banks.

Sect. 9. Rates to be uniform: revenue, how expended.

2 All individuals, firms and corporations, whether private,
3 public or municipal, shall pay to the treasurer of said dis-
4 trict the rates established by said board of trustees for the
5 water used by them, and said rates shall be uniform within
6 the territory of said district. Said rates shall be so estab-
7 lished as to provide revenue for the following purposes:

I. To pay the current running expenses for maintaining
2 the water system and provide for such extension and re-
3 newals as may become necessary.

II. To provide for payment of the interest on the in-
2 debtedness of the district.

III. To provide each year a sum equal to not less than
2 one or more than five per cent of the entire indebtedness
3 of the district, which sum shall be turned into a sinking
4 fund to provide for the final extinguishment of the funded

5 debt. The money set aside for the sinking fund shall be
6 devoted to the retirement of the obligations of the district,
7 or invested in such securities as savings banks are allowed
8 to hold.

IV. If any surplus remains at the end of the year, it may
2 be turned into the sinking fund.

Sect. 10. Incidental powers and privileges. All incidental
2 powers, rights, and privileges necessary to the accomplish-
3 ment of the main object herein set forth are granted to the
4 corporation hereby created.

Sect. 11. Referendum provided: procedure. This act shall
2 take effect when approved by a majority of the legal voters
3 within said district voting at an election to be specially
4 called and held for the purpose on or before the first Mon-
5 day of January, nineteen hundred and twenty-one. Such
6 special election shall be called, advertised, and conducted,
7 and voting lists prepared, corrected, and posted, according
8 to the law relating to municipal elections in the city of Bel-
9 fast. The city clerk shall prepare the ballots for such elec-
10 tion and shall reduce the subject matter of this act to the
11 following question: "Shall the act to incorporate the Bel-
12 fast Water District be accepted?" And the voters shall
13 indicate by a cross placed against the word, "Yes" or "No,"
14 their vote on this question. The ballots cast shall be can-
15 vassed and the result of the vote declared by the municipal
16 officers of the city of Belfast and due certificate thereof
17 filed by the city clerk with the secretary of state. This act

18 shall take effect in ninety days after the final adjournment
19 of the legislature, so far as necessary to empower the calling
20 and holding of said special election.

Sect. 12. Certain sections inoperative unless purchase is
2 consummated. Sections two, three and four of this act shall
3 be inoperative, null, and void, unless the said Water Dis-
4 trict shall acquire by purchase as in this act provided, the
5 plant, property and franchises, rights and privileges now
6 held by the Belfast Water Company.