

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FOURTH LEGISLATURE**

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**House Document**

**No. 448**

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H. P. 1381

House of Representatives, Feb. 22, 1929.

Reported by Mr. Comins from Committee on Public Utilities and laid on table and 1000 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE**

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AN ACT to Amend Chapter Two Hundred and One of the  
Private and Special Laws of Nineteen Hundred and Eleven  
Entitled An Act to Incorporate the Guilford Water District.

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

Section 1. Section one of chapter two hundred and one of  
2 the private and special laws of nineteen hundred and eleven  
3 is hereby amended by striking out all of said section and  
4 inserting in place thereof the following:

Section 1. The following territory and the people within  
2 the same, namely, all that part of the town of Guilford  
3 which lies in lots seven, eight and nine, range one and lots  
4 seven, eight and nine, range two, and so much of lot six,

5 range one, as lies west of Maxfield Brook and that part of  
6 the town of Parkman lying east of land of Peter F. Morin,  
7 which said part includes the homestead of Etta Perkins,  
8 Gardiner Foss, Estella Watson and Clarence B. Farrar, and  
9 such additions as may be made from time to time, and that  
10 part of Sangerville embraced within the following limita-  
11 tions, namely, beginning at the northwest corner of lot  
12 number two, range one; thence southerly on the line be-  
13 tween lots one and two to the range line between ranges  
14 two and three; thence easterly along said range line to its  
15 intersection with the lot line between lots six and seven in  
16 range two; thence northerly to the Guilford town line,  
17 thence westerly on said Guilford town line to the point of  
18 beginning, which territory includes the villages of Guilford  
19 and of Sangerville, shall constitute a public municipal cor-  
20 poration under the name of the Guilford and Sangerville  
21 Water District, for the purpose of supplying the inhabitants  
22 of said district with water for domestic, sanitary, commer-  
23 cial, industrial and municipal purposes.'

Sect. 2. Section two of said chapter two hundred and  
2 one is hereby amended by adding, in the fourth line after  
3 the word "company," the words 'and of the Sangerville  
4 Water Supply Company' and by striking out everything in  
5 said section after the word "district" in the eighth line, so  
6 that said section as amended will read:

'Sect. 2. Said water district is hereby authorized and  
2 empowered to acquire by purchasing the entire land, prop-

3 erty and franchises, rights and privileges now held by the  
4 Guilford Water Company and the Sangerville Water Sup-  
5 ply Company within said district, including all lands, rights  
6 of way, waters, water rights, dams, reservoirs, standpipes,  
7 pipes, machinery, fixtures, hydrants, tools and all apparatus  
8 and appliances owned by said Guilford Water Company  
9 and/or said Sangerville Water Supply Company used or  
10 usable in supplying water in said district.'

Sect. 3. Section three of said act is amended by striking  
2 out all the words in said section and inserting in place there-  
3 of the following :

'Sect. 3. For any of the purposes aforesaid or for the  
2 preservation and purity of said water, said corporation is  
3 hereby authorized to take and use water, from either Ben-  
4 nett Pond, so-called, in the town of Parkman, and also from  
5 Davis Pond in North Guilford in said town of Guilford,  
6 or from the south branch of the Piscataquis river in the  
7 town of Abbot, to conduct and distribute the same into and  
8 through the town of said Guilford and the town of said  
9 Sangerville, to survey for, locate, lay, erect and maintain  
10 suitable dams, reservoirs, machinery, pipes, aqueducts and  
11 fixtures ; to carry its pipes, mains or aqueducts over or under  
12 any water course, bridge, street, railroad, highway or other  
13 way ; and said corporation is further authorized to enter  
14 upon and excavate any highway or other way in such man-  
15 ner as least to obstruct the same ; said district is further  
16 authorized to provide, construct, operate and maintain a

17 system of sewerage or drainage for the comfort, con-  
18 venience and health of the inhabitants of said district, with  
19 all the rights, privileges and immunities incidental to similar  
20 corporations; provided, however, that it shall not construct  
21 any system of drainage or sewerage without first having  
22 submitted its plans to the public utilities commission and  
23 obtaining the approval of said commission under power  
24 vested by chapter ninety-eight of the public laws of nine-  
25 teen hundred and seventeen; the district is authorized fur-  
26 ther to enter, pass over and excavate any lands and in gen-  
27 eral to do any acts necessary, convenient or proper for car-  
28 rying out any of the purposes hereinbefore specified. And  
29 said district is further authorized, for the purpose of making  
30 all needed repairs or service connections, to lay its pipes  
31 through any public or private lands or ways, with the right  
32 to enter upon the same or dig therein.'

Sect. 4. Section four of said chapter is hereby amended  
2 by striking out all the words thereof and inserting in place  
3 thereof the following:

'Sect. 4. Said district may purchase from the towns of  
2 Guilford and Sangerville, or either of them, and said towns  
3 are hereby authorized to sell and convey to said district, any  
4 pipes, mains, apparatus, equipment, facilities or means used  
5 or useful in the accomplishment of the purposes of said  
6 district which said towns, or either of them, now own.'

Sect. 5. Section six of said act is hereby amended by

2 striking out said section in its entirety and inserting in  
3 place thereof the following:

‘Sect. 6. The said district, for effectuating the purposes  
2 of its incorporation, is authorized to purchase or to take  
3 and hold for public uses by the exercise of the right of  
4 eminent domain, which right is hereby delegated to said  
5 district, the entire plant, property, franchises, rights, im-  
6 munities and privileges now owned by the Guilford Water  
7 Company and the Sangerville Water Supply Company, in-  
8 cluding all buildings, pipes, standpipes, reservoirs, machin-  
9 ery, fixtures, hydrants, tools, apparatus and appliances  
10 owned by said Guilford Water Company and/or said Sang-  
11 erville Water Supply Company, and any land or interest  
12 therein, or water rights necessary for erecting and main-  
13 taining dams for flowage, for storage or for pumping its  
14 water supply, for reservoirs or standpipes, for preserving  
15 the purity of the water supply and water shed, for laying  
16 and maintaining aqueducts and other structures, for rights  
17 of way or roadways to its sources of supply, its dams, power  
18 stations, reservoirs, mains, aqueducts and other structures,  
19 used or usable in the carrying out of its purposes.

‘In the event that said district exercises the right of emi-  
2 nent domain for the taking of the lands and property of the  
3 Guilford Water Company and the Sangerville Water Sup-  
4 ply Company, or either of them, said district, through its  
5 trustees aforesaid, is hereby authorized to take said plants,  
6 property and franchises of said Guilford Water Company

7 and said Sangerville Water Supply Company, or either of  
8 them, as for public use, by petition therefor in the manner  
9 hereinafter provided. The said trustees, acting for and  
10 in the name of said district, may file a petition in the Clerk's  
11 office of the supreme judicial court for the county of Pis-  
12 cataquis, in term time or in vacation, addressed to any  
13 justice of said court, who after due notice to said Guilford  
14 Water Company and said Sangerville Water Supply Com-  
15 pany, or either of them, and other mortgagees, if any, shall,  
16 after hearing and within sixty days after the filing of said  
17 petition, or such further time as the justice hearing such  
18 case may grant upon motion of either party, appoint three  
19 disinterested appraisers, none of whom shall be residents  
20 of towns constituting said district, for the purpose of fixing  
21 a valuation of said plant, property and franchises. Said  
22 petition, after being filed, shall not be withdrawn or dis-  
23 missed except with the consent of said companies or either  
24 of them, in respect of the proceedings against it. At the  
25 hearing aforesaid, said justice, upon motion of the peti-  
26 tioner, may order the production and filing in court, for the  
27 inspection of the petitioner, of all books and papers perti-  
28 nent to the issue and necessary for a full understanding of  
29 the matter to be heard by said appraisers, the terms and  
30 conditions of so producing and filing such books and papers  
31 to be determined by the justice in his order therefor and  
32 to be enforced from time to time as any justice of the  
33 supreme judicial court, in term time or in vacation, upon

34 motion of either party, may deem reasonable and proper  
35 in the premises. At such hearing, such justice, upon motion  
36 of the petitioner, may fix a time at which the said water  
37 companies, or either of them, shall file in the clerk's office  
38 of the supreme judicial court for the county of Piscataquis,  
39 for the inspection of the petitioner, the following:

'First: Schedules showing the names, residences and wa-  
2 ter service of all customers on the first day of January in  
3 the year nineteen hundred and thirty, with the rate charged  
4 therefor;

'Second: Copies of all contracts in force on said first  
2 day of January, nineteen hundred and thirty;

'Third: An itemized statement of the gross income earned  
2 during its last complete fiscal year and up to said January  
3 first, and all operating expenses and fixed charges, paid or  
4 incurred during such period and properly chargeable there-  
5 to;

'Fourth: A memorandum of all real estate, water rights,  
2 or interests therein, owned or controlled on said first day  
3 of January with such brief description thereof as will rea-  
4 sonably identify the same;

'Fifth: Brief descriptions, specifications and plans of all  
2 reservoirs, mains, pipes, service pipes, hydrants, gates, gate-  
3 boxes, shut-off boxes, fixtures and machinery and all the  
4 physical elements in such water system, giving in detail  
5 quantities, sizes, lengths, and specifying the streets, roads  
6 or ways where situated;



'Sixth: An itemized list of all tools, apparatus, appliances  
2 and supplies used or usable in supplying water on said  
3 first day of January. Such orders may be enforced from  
4 time to time by any justice of said supreme judicial court,  
5 in term time or in vacation, upon motion of either party,  
6 as such justice may deem reasonable and proper in the  
7 premises. At such hearing the justice then sitting may,  
8 upon motion of the petitioner, make all such decrees as he  
9 deems reasonable and proper to enable the petitioner,  
10 through its servants and employees, to ascertain the true  
11 condition of the mains and pipes of the said water com-  
12 pany, externally or internally, in the presence of the officers  
13 or agents of said water company, the entire expense thereof  
14 to be borne by said water district. The said appraisers shall  
15 have the power of compelling attendance of witnesses and  
16 the production of all books, accounts and papers pertinent  
17 to the issue and necessary for a full understanding by them  
18 of the matter in question and may administer oaths; and  
19 any witness or person in charge of such books, accounts  
20 and papers refusing to attend or to produce the same shall  
21 be subject to the same penalties and proceedings, so far as  
22 applicable, as witnesses summoned to attend the supreme  
23 judicial court. Depositions may be taken as in civil motions.  
24 The appraisers so appointed shall, after notice and hearing,  
25 fix the valuation of said plant, property and franchises  
26 at what they are fairly and equitably worth, so that said  
27 water company shall receive its just compensation for all

28 the same. The first day of January, nineteen hundred and  
29 thirty, shall be the date as of which the valuation aforesaid  
30 shall be fixed, from which date interest on said award shall  
31 run, and all rents and profits accruing thereafter shall be-  
32 long to said water district. The report of said appraisers,  
33 or a majority of them, shall be filed in said clerk's office,  
34 in term time or in vacation, as soon as may be after their  
35 appointment, and such single justice, or, in case of his in-  
36 ability to act, any justice of said court appointed by the  
37 chief justice, may, after notice and hearing, confirm or  
38 reject the same, or recommit it if justice so requires. Be-  
39 fore a commission is issued to said appraisers either party  
40 may ask for instructions to said appraisers, and all ques-  
41 tions of law arising upon said requests for instructions, or  
42 upon any other matters in issue, may be reported to the law  
43 court for determination before the appraisers proceed to  
44 fix the valuation of the property, plant and franchises of  
45 said company. Upon the confirmation of said report the  
46 court so sitting shall upon, after hearing, make final decree  
47 upon the entire matter, including the application of the  
48 purchase money and transfer of property, jurisdiction over  
49 which is hereby conferred, and with the power to enforce  
50 said decree as in equity cases. All the findings of fact by  
51 said court shall be final, but any party aggrieved may take  
52 exceptions as to any ruling of law so made, the same to be  
53 accompanied by so much of the case as may be necessary  
54 to a clear understanding of the questions raised thereby.

55 Such exceptions shall be claimed on the docket within ten  
56 days after such final decree is signed, entered and filed and  
57 notice thereof has been given to the parties or their counsel,  
58 and said exceptions so claimed shall be made up, allowed  
59 and filed within said time, unless further time is granted  
60 by the court, or by agreement of the parties. They shall  
61 be entered at the next term of the law court to be held  
62 after the filing and entry of said decree and there heard  
63 unless otherwise agreed; or the law court for good cause  
64 shall order further time for hearing thereon. Before said  
65 plant, property and franchises are transferred in accord-  
66 ance with such final decree and before payment therefor,  
67 as hereinbefore provided, such justice shall, upon motion  
68 of either party, after notice and hearing, take account of  
69 all receipts and expenditures properly had or incurred by  
70 the Guilford Water Company and the Sangerville Water  
71 Supply Company, or either of them, belonging to this period,  
72 from and after said first day of January, and all net rents  
73 and profits accruing thereafter, and shall order the net  
74 balance to be added to, or deducted from, the amount to be  
75 paid under such final decree, as the case may be. All find-  
76 ings of law and fact by such justice at such hearing shall  
77 be final. On payment or tender by said district of the  
78 amount so determined and the performance of all the other  
79 terms and conditions so imposed by said court, the entire  
80 plant, property and franchises shall become vested in said  
81 water district. All of said plant, property and franchises

82 shall be taken and shall vest in said district, subject to all  
83 bonds, mortgages, liens and incumbrances thereon, all which  
84 bonds, mortgages, liens and incumbrances shall be assumed  
85 and paid by said district. The compensation to be paid to  
86 said Guilford Water Company and said Sangerville Water  
87 Supply Company, or either of them, for said plant, property  
88 and franchises shall be the difference between the valuation  
89 thereof as fixed and determined by said appraisers and the  
90 aggregate amount of such bonds, mortgages, liens and in-  
91 cumbrances which are assumed by said district; provided,  
92 that if any part of said property is subject to any bond,  
93 mortgage or other encumbrance attaching also to other prop-  
94 erty, the court may order the property so taken to be vested  
95 in the water district free of such lien and make provision  
96 for the application of the purchase money for the security  
97 of the owners of such bonds or other claims, in lieu of the  
98 lien on the property.

“The appraisers may allow an additional amount to include  
2 any sum which shall represent the unamortized discount  
3 value of the outstanding bonds if the same shall be found  
4 by the court to be a proper element in determining the  
5 value of the property and if they shall be so directed by  
6 the court.

“In the event that said district shall exercise the right of  
2 eminent domain for the taking of land and property of  
3 persons, firms or corporations other than the Guilford Water  
4 Company and the Sangerville Water Supply Company, or

5 either of them, said district shall file in the registry of deeds  
6 in the county of Piscataquis plans of the location of all land  
7 and water rights so taken under the provisions of this sec-  
8 tion, and no entry shall be made upon any lands, except to  
9 make surveys, until the expiration of ten days from said  
10 filing.

‘Said district is hereby given the right of eminent domain,  
2 in the exercise of which, except as to the lands and property  
3 of the Guilford Water Company and of the Sangerville  
4 Water Supply Company hereinbefore specifically provided  
5 for, the said district shall file in the office of the county  
6 commissioners of Piscataquis county and record in the  
7 registry of deeds in said county, plans of location of all  
8 lands or interests therein or water rights to be taken, with  
9 appropriate descriptions and names of owners thereof. No  
10 entry shall be made on any private lands, except to make  
11 surveys, until the expiration of ten days from such filing,  
12 whereon possession may be had of all lands or interests  
13 therein or water rights so taken, but title thereto shall not  
14 vest in said district until payment therefor. If any person,  
15 sustaining damages by any taking as aforesaid, shall not  
16 agree with said district upon the sum to be paid therefor,  
17 either party, upon petition to the county commissioners of  
18 Piscataquis county, may have such damages assessed by  
19 them; the procedure and all subsequent proceedings and  
20 right of appeal thereon shall be had under the same re-  
21 strictions, conditions and limitations as are by law pre-

22 scribed from time to time, in the case of damages by the  
23 laying out of highways.’

Sect. 6. Section seven is hereby amended by striking out  
2 all of said section and inserting in place thereof the follow-  
3 ing:

‘Sect. 7. In case of any crossing of a railroad, unless con-  
2 sent is given by the company owning or operating such rail-  
3 road, as to place, manner and conditions of the crossing,  
4 within thirty days after such consent is requested by such  
5 district, the public utilities commission shall, upon petition  
6 setting forth a description of said premises and the reasons  
7 for said crossing, after notice given as said commission  
8 may prescribe, determine the place, manner and conditions  
9 of such crossing, and all work within the limits of such  
10 railroad location shall be done under the supervision and  
11 to the satisfaction of said railroad company, but at the ex-  
12 pense of said district.’

Sect. 7. Section nine of said act is amended by striking  
2 out all of said section and inserting in place thereof the fol-  
3 lowing:

‘Sect. 9. All the affairs of said water district shall be  
2 managed by a board of trustees composed of five members,  
3 all of whom shall be residents of said water district, and  
4 shall be elected in manner following:

‘The board of selectmen, town clerk, and treasurer of  
2 Guilford, shall elect two of said board of trustees who shall  
3 be residents of that part of said Guilford comprised within

4 the limits of said district, and the board of selectmen, town  
5 clerk, and treasurer of Sangerville, shall elect two of said  
6 board of trustees who shall be residents of that part of  
7 Sangerville comprised within the limits of said district, and  
8 the joint boards of selectmen, town clerks and treasurers  
9 aforesaid shall elect one of said board of trustees.

‘As soon as convenient after said board of trustees have  
2 been so elected, said trustees shall hold a meeting and or-  
3 ganize by the election of a president, and a clerk, adopt a  
4 corporate seal, and when necessary in their judgment choose  
5 a treasurer and all other needful officers and agents for the  
6 proper conduct and management of the affairs of said dis-  
7 trict. At said first meeting they shall determine by lot the  
8 term of office of each trustee so that two shall serve for  
9 one year, two for two years, one for three years, and when-  
10 ever the term of office of a trustee expires his successor  
11 shall be elected in manner aforesaid to serve for the full  
12 term of three years, and in case of any vacancy it shall be  
13 filled in like manner for such unexpired term. All said  
14 trustees shall be eligible to re-election, but no selectman of  
15 either of said towns of Guilford or Sangerville, town clerk  
16 or treasurer of either of said towns shall be eligible to such  
17 office; said trustees may also ordain and establish such by-  
18 laws as they deem necessary for their own convenience and  
19 the proper management of the affairs of said district, and  
20 may procure an office and incur such expense as they deem  
21 necessary.

‘Said trustees shall receive in full compensation for services the sum of fifty dollars annually, or such less sum as said district may at any legal meeting prescribe.

‘At the close of each fiscal year said trustees shall make a detailed report of their doings, of the receipts and expenditures of said district, of its financial and physical condition, and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust, such reports to be made and filed with the municipal officers of said towns of Guilford and Sangerville.’

Sect. 8. Section ten of said chapter is amended by striking out all of said section and inserting in place thereof:

‘Sect. 10. For accomplishing the purposes of this act said water district through its trustees is authorized to borrow money temporarily and to issue therefor the interest bearing negotiable notes of the district, and for the purpose of re-funding the indebtedness so created, or paying any necessary expenses and liabilities incurred in the creation of the district, in acquiring the properties and franchises of the Guilford Water Company and/or the Sangerville Water Supply Company as hereinbefore set out, and paying any damages on account of taking any land or rights in land or laying pipes, constructing, maintaining and operating a water plant, and making renewals, extensions, additions and improvements to the same, the said water district through its trustees may from time to time issue bonds of the dis-



15 trict to an amount or amounts necessary in the judgment  
16 of the trustees therefor. Said notes and bonds shall be  
17 legal obligations of said water district which is hereby de-  
18 clared to be a quasi-municipal corporation within the mean-  
19 ing of section one hundred five of chapter fifty-one of the  
20 revised statutes, and all the provisions of said section shall  
21 be applicable thereto. The said notes and bonds shall be  
22 legal investments for savings banks.'

Sect. 9. Section twelve is amended by adding after the  
2 word created in the third line the words 'the property of  
3 said district shall be exempt from taxation in the towns of  
4 Guilford and Sangerville,' so that said section twelve as  
5 amended will read:

'Sect. 12. All incidental powers, rights and privileges  
2 necessary in the accomplishment of the main purpose here-  
3 in set forth are granted to the public municipal corpora-  
4 tion hereby created. The property of said district shall be  
5 exempt from taxation in the towns of Guilford and San-  
6 gerville.'

Sect. 10. Said chapter two hundred and one of the pri-  
2 vate and special laws of nineteen hundred eleven, is fur-  
3 ther amended by adding the following sections:

'Sect. 15. Wherever the Guilford Water Company and/or  
2 the Sangerville Water Supply Company are referred to in  
3 this act, all provisions herein contained shall be construed  
4 to refer to and include their respective successors and as-

5 signs and any corporation in or with which they or either  
6 of them may have been merged or consolidated.

Sect. 16. If said water district shall fail to acquire the  
2 plant, properties, franchises, rights and privileges owned by  
3 said Guilford Water Company and Sangerville Water Sup-  
4 ply Company, aforesaid, by purchase, or to file its petition  
5 to take the same by the exercise of the right of eminent  
6 domain as hereinbefore provided, in either case before the  
7 first day of July, 1931, this act shall become null and void.  
8 Said district shall not begin to furnish water under this  
9 act until it shall have acquired the properties of said Guil-  
10 ford Water Company and Sangerville Water Supply Com-  
11 pany, as hereinbefore provided.

Sect. 17. Such parts of the charter of the Guilford Water  
2 Company expressed in chapter two hundred twenty-six of  
3 the private laws of nineteen hundred nine as are inconsis-  
4 ent herewith are hereby repealed. All the rights and duties  
5 herein mentioned shall be exercised and performed in ac-  
6 cordance with the applicable provisions of chapter fifty-five  
7 of the revised statutes and acts amendatory thereof and  
8 additional thereto, except that in the event of any action  
9 before a court having jurisdiction to enforce any contract  
10 of sale of the plant and property of the said Guilford Wa-  
11 ter Company and/or the Sangerville Water Supply Com-  
12 pany, the provisions of section forty of chapter fifty-five  
13 of the revised statutes, relative to the securing of an order  
14 authorizing the sale of property necessary or useful in the

15 performance of duties to the public shall not apply and said  
16 court having jurisdiction may make appropriate decrees  
17 without reference to such provisions of section forty.'