

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1371

H. P. 1989

House of Representatives, March 17, 1949.

Referred to Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Atherton of Bangor by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to the Bangor Water District.

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

Sec. 1. Territorial limits; name; purposes. Subject to the provisions of this act, the inhabitants of and the territory within the city of Bangor shall constitute a body politic and corporate under the name of "Bangor Water District" for the purpose of supplying the inhabitants of said city of Bangor with pure water for domestic, sanitary, commercial and all lawful municipal purposes; provided, however, that the said district shall not construct any system of pipe lines or development without first having submitted its plans to the public utilities commission and obtained its advice therefor in writing under the power vested in said commission by section 13 of chapter 40 of the revised statutes of 1944.

Sec. 2. Source of supply. For effecting and carrying out the purposes of its incorporation, the said district is hereby authorized to take, hold, divert, use and distribute water from the Penobscot river and from any other source acceptable to said district and said district is hereby fully authorized to lease, purchase or otherwise acquire any system or method of producing pure water which may be constructed and operated in the town of Veazie, Maine, which said system of water supply has or shall

have for its purpose the supplying of pure water to the inhabitants of said district who shall use the same for domestic, industrial, commercial and any lawful municipal use.

Sec. 3. Contracts for supplying water. Said water district is hereby authorized to make contracts with the city of Bangor for the supply of pure water to all users of water in said Bangor who may wish to be so supplied; said district is hereby authorized to collect and receive from said city of Bangor and said city of Bangor is hereby authorized to pay from time to time such sum or sums of money as may be agreed upon for all such water so supplied and used. Payment is to be made at such times and periods as may be agreed upon between said city of Bangor and said district and said city of Bangor is hereby authorized to sell and deliver water to water users in said Bangor and to establish and collect such payment for such water so sold and delivered as may be established by the public utilities commission.

Sec. 4. Board of trustees, how elected; meetings; vacancies, how filled. All the affairs of said district shall be managed by a board of 5 trustees, who shall be residents of said district, elected by the city council of the city of Bangor and shall hold office as hereinafter provided and until their respective successors are appointed and qualified. Whenever the term of office of a trustee expires, the city council of said Bangor shall elect a successor to serve the full term of 3 years and any other vacancy arising from any cause shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district his office as trustee shall be declared vacant. No member of the Bangor city council shall serve as a member of the board of trustees of the district and all trustees shall serve without compensation.

The first board of trustees shall be appointed within 10 days after the acceptance of this act by the voters of said district, 1 to serve until the 1st annual meeting of the district, 1 until the 2nd and 1 until the 3rd such meeting. Thereafter, 1 member shall be elected to serve for a term of 3 years. As soon as convenient after their appointment the trustees first appointed shall hold a meeting at some convenient place in the district to be called by any member thereof in writing designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement and waiver without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. As necessary, they may choose agents and other needful

officers who shall serve at their pleasure, and whose compensation shall be fixed by said trustees. They shall choose annually a treasurer to serve for a term of 1 year, fix the treasurer's salary which shall in no case exceed \$200 per year, and fill vacancies in that office. The treasurer shall furnish a bond, issued in such sum by a surety company as the trustees may approve, and the expense of securing the bond is to be borne by the district.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk pro tempore. They shall make and publish an annual report which shall also contain a report of the treasurer.

Sec. 5. Temporary loans negotiated; issue of bonds. For accomplishing purposes of this act, said water district through its trustees is authorized to borrow money temporarily and to issue therefor the negotiable notes of the district, and for the purpose of refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of a district, in securing sources of supply of water by purchase, lease or otherwise and all other things necessary and incidental to the institution of such system of water supply as may be indicated in section 2 of this act, said trustees may from time to time issue notes and bonds of the district to an amount not to exceed \$1,500,000. Said notes and bonds shall be legal obligations of said water district, which is hereby declared to be a quasi-municipal corporation within a meaning of sections 132 and 133 of chapter 49 of the revised statutes of 1944 and all the provisions of said sections shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

Sec. 6. Property tax exempt. The property of said district shall be exempt from all taxation by the city of Bangor.

Sec. 7. Water rates, application of revenue and sinking fund. The city of Bangor shall pay to the treasurer of said water district such sum or sums of money as may be determined within the meaning of section 3 of this act. Said money so paid shall be such a sum as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the water system.
2. To provide for the payment of the interest on the indebtedness created or assumed by the district.
3. To provide each year a sum equal to not less than 1% nor more than

5% of the entire indebtedness created or assumed by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of such indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

4. If any surplus remains at the end of the year, it may be transferred to the sinking fund.

Sec. 8. Incidental rights and privileges. All incidental rights, powers and privileges necessary to the accomplishment of the main object herein set forth are granted to the public municipal corporation hereby created.

Sec. 9. Existing statutes not affected; rights conferred subject to provisions of law. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944 and all acts amendatory thereof or additional thereto.

Sec. 10. Procedure if public utility must be crossed. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

Sec. 11. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters of the proposed district at a regular or special city election called by the municipal officers of the city of Bangor and held at the regular voting places in said city. The dates of said elections shall be determined by said municipal officers, but the 1st such meeting shall not be later than the 15th day of December, 1950. The board of registration shall prepare and furnish separate check lists for such of the voters within the district as are then legal voters of said city of Bangor and reside in said district. Such special elections shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare for posting nor the city clerk to post a new list of voters; and for this purpose said board of registration shall be in session on the 3 secular days

next preceding said special election, the 1st and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the correction of said lists and to complete and close up its records of said session. A check list shall be used at such election, but a failure of approval shall not prevent the municipal officers of said city of Bangor from again submitting said question to the voters of said district in manner aforesaid. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the act Relating to the Bangor Water District, passed by the 94th legislaure, be acetped?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The result of such election shall be declared by the municipal officers of the city of Bangor and due certificate thereof filed by the city clerk with the secretary of state. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at such election; but only if the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election.