

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 369.

An Act to enable the town of Danforth to purchase the stock or franchises of the Danforth Water Company or any part thereof.

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

Section 1. The town of Danforth by its municipal officers or the trustee hereinafter provided for, acting for and in behalf of said town, is authorized and empowered to make any necessary contracts, with any person or persons or the Danforth Water Company for the ownership of any part of its system of water works existing within said town of Danforth or the ownership of the whole or any part of the stock of said company whereby the town of Danforth, or said trustee, may be entitled to purchase the whole or a part of said system of water works or stock at one time or to purchase the same in installments through a period of years.

Town of Danforth authorized to purchase franchises of Danforth Water Company.

Section 2. The town of Danforth or said trustee or trustees, may purchase and own stock in the Danforth Water Company and the person or persons from whom purchased are hereby authorized to transfer the same to said town, and the municipal officers of said town shall appoint some person to vote the stock so purchased as they may direct in all meetings of said Danforth Water Company.

May purchase stock in Danforth Water Company.

Section 3. The Danforth Water Company is hereby authorized and empowered to sell and convey by deeds of transfer and conveyance all the property, franchises, rights and privileges, owned by said Danforth Water Company, except cash assets, to said town of Danforth, or to such person or persons, or corporation in trust, for the benefit of said town, as the municipal officers of said town may designate, subject to any mortgages given to secure the payment of bonds not then due, existing thereon at the time; and if the municipal officers of said towns shall designate that said property, franchises, rights and privileges, shall be conveyed to any person or persons, or corporation, in trust, as aforesaid, they shall also designate the terms of said trust, which shall be incorporated in said deed. If at the time of said conveyance there shall be any existing mortgage, as aforesaid, the town or such trustee, in his or their said capacity, shall assume the payment of all the principal sums, and interest, remaining unpaid or thereafterwards coming due; and such trustee or trustees, in its or their said capacity, and also the town, so far as lawful under the provisions of the constitution of the state, shall be holden to pay all the sums so assumed. When said conveyance is made as aforesaid, and delivered to said town, or trustee, the town shall thereupon

Danforth Water Co. authorized to sell rights and franchises.

CHAP. 369

enter into possession and control of the property, rights, franchises and privileges therein transferred, subject to be divested thereof only upon failure to pay the mortgaged indebtedness aforesaid of the Danforth Water Company, or otherwise as is herein provided.

Duty of trustees.

Section 4. Any person or persons, or corporation to whom the property and franchises of the Danforth Water Company shall be conveyed in trust, as provided in section three, or to whom any stock in any company shall be conveyed in trust for the benefit of said town, shall hold the same as security for any person or corporation who may have advanced money for its purchase, and may, from time to time, sell and deliver the same, or debentures representing the same, to the town, discharged of its trust, in such manner and upon such terms as may be agreed upon by the town by its municipal officers and such trustee, and the person or persons or corporation advancing such money. And as further security, such trustee or trustees may be entitled by contract to receive the net rents and profits of said property, with one per cent of the principal annually, and apply them to the payment of any such advances and the interest thereon. Such trustee or trustees, with the consent of the town by its municipal officers, may also create or hold security on said property, rights, privileges and franchises, for money advanced by any person or persons or corporation to improve or extend the said system of water works hereinbefore described.

—may be entitled to receive rents and profits.

Towns may issue bonds.

Section 5. For the purpose of raising money to carry out the provisions of this act, the town of Danforth may issue its bonds with interest coupons, in behalf of said town, signed by the municipal officers of said town, and the treasurer of said town, when authorized by a vote of said town, to an amount which, taken in connection with the other indebtedness of the town, will not exceed the amount limited by the constitution of Maine. And such bonds shall be signed by the municipal officers of the town and the treasurer of the town, but the coupons need be signed by the treasurer only and shall be designated and marked 'The Danforth Water Company.'

Bonds shall be signed by municipal officers.

Water rates, how fixed.

Section 6. The rates for the supply of water under this act shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest, and such amounts as the town may determine to be paid annually upon the principal expenditures, not less than one per cent.

Trustees authorized with consent of

Section 7. For the purpose of raising money to carry out the provisions of this act, and to extend and improve the system of water works, which may be purchased from the Danforth

CHAP. 369

Water Company, by building reservoirs and pumping stations, buying necessary machinery and appliances connected therewith, and laying additional pipes and mains, said trustee or trustees are authorized, with the consent of the town, by vote, to hire money and to issue therefor interest-bearing debentures, in the manner and at the rate not to exceed that which may be specified in the deed of trust from said company to said trustees, which deed of trust shall be made in accordance with the directions of said town. Said debentures shall be made redeemable by the town or trustee or trustees from year to year through a series of years, and said trustee or trustees may create or hold security on said property for the payment of said debentures. And when said town shall have paid from its own funds fifteen per cent of the amount paid to the Danforth Water Company, said debentures may be purchased and held by savings banks in this state.

of town, to
hire money
and issue
bonds.

Section 8. For the purposes of carrying into effect the provisions of this act, the town of Danforth, at a meeting duly called therefor, may, as soon as this act takes effect, if it so elects, or at any time thereafter or whenever said town of Danforth comes into ownership, control or management of a system of water works, by purchase of the stock or franchises of the Danforth Water Company, elect by ballot three water commissioners whose duty it shall be to perform all such acts for the town, necessary and convenient for the full operation of this act, as may be prescribed by ordinance, or as may be directed by the municipal officers of said town from time to time. The three persons first chosen as aforesaid, shall serve, one for one year, one for two years, one for three years, from the day of the annual March meeting then following, as may be designated by the municipal officers of said town of Danforth; and thereafterwards one commissioner shall be elected by ballot annually at the annual March meeting, to serve for the term of three years. The municipal officers of said town of Danforth may fill any vacancy occurring by death, resignation or otherwise. The chairman of the municipal officers of said town of Danforth, for the time being, shall be, ex-officio, a member of the board of water commissioners. Until such water commissioners are elected, the municipal officers of the said town of Danforth shall perform the duties of the water commissioners.

Water
commis-
sioners,
election of.

Duty of
commis-
sioners.

Tenure.

Vacancies,
how filled.

Section 9. Said municipal officers of said town of Danforth, or said water commissioners, in case water commissioners are elected as hereinbefore provided, are authorized to fix the rates of water to be paid monthly, quarterly, semi-annually, or annu-

Water rates,
when
payable.

CHAP. 369

ally, by persons or corporations supplied with the same, and in the same manner determine the conditions and manner of such supply, and shall have general charge and control of the town's water system.

May take lands, etc.

Section 10. For the purpose of extending the system of water works hereinbefore described, said town of Danforth, by its municipal officers or water commissioners, or said trustees or any corporation of which either may obtain control as provided in this act, either directly or through ownership of stock, shall have power, and are hereby authorized to take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining pipes, aqueducts, locks, gates, dams, hydrants and reservoirs for taking, conducting, holding, discharging and distributing water, and for roadways to be used as approaches thereto, doing no unnecessary damage. They may enter upon said land to make surveys and locations, and file in the registry of deeds in the county of Aroostook, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish such notice of taking and filing in some newspaper in said county; such publication to be continued three weeks successively; and such filing in the registry of deeds shall be in lieu of any other filing now required by law.

May enter on lands to make surveys, etc., shall file plans in registry of deeds.

Damages, how determined if parties fail to agree.

Section 11. Should the said town of Danforth, by its municipal officers or water commissioners or said trustees or such corporation, and the owner of such land be unable to agree upon the damages to be paid for such location, taking and holding, the land owner, or the town or trustees or such corporation, may within twelve months after the filing of said plans and location, apply to the commissioners of the county of Aroostook, who shall cause such damages to be assessed in the same manner and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of highways, so far as such law is consistent with the provisions of this act.

Section 12. Except as otherwise provided herein, this act shall take effect when approved.