

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE
1923

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First
Legislature

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cil. A vacancy occurring in the board of aldermen by death, resignation or removal from the city, or any member thereof, shall be filled for the unexpired term by a plurality vote of the remaining members of the council, by roll call, from the ward where it occurs.'

Sec. 3. Provision for local referendum. This act shall take effect only after and in case of its acceptance by a vote of the legal voters of said city at a meeting duly called and held subsequent to the passage of this act.

Approved March 22, 1923.

Chapter 71.

An Act for the Better Protection of Smelts in the Damariscotta River.

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

Sec. 1. Close time on smelts in Damariscotta river. No smelts shall be taken, or fished for, in the Damariscotta river or its tributaries, in any other way than by hook and line above a line drawn from Farnham's Head in the town of Boothbay to a point opposite on the shore in the town of South Bristol, under a penalty of one hundred dollars for each offense.

Sec. 2. Inconsistent acts repealed. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 22, 1923.

Chapter 72.

An Act to Incorporate the Yarmouth Water District.

Emergency preamble. Whereas, it is imperative that the people within the territory hereinafter named be supplied with pure water; and

Whereas, it is impossible to furnish such supply under the existing conditions; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section sixteen of article thirty-one of the constitution of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Territorial limits, corporate name and purposes. The territory and the people constituting the town of Yarmouth in the county of Cumberland and state of Maine, are hereby constituted a body politic and cor-

porate under the name of the Yarmouth Water District, subject to adoption by the people of said territory as hereinafter provided. The purpose of said district is the supplying of the inhabitants thereof with pure water for domestic, sanitary and municipal purposes.

Sec. 2. Source of supply; authorized to erect dams, lay pipes, etc.; may hold or purchase real estate. For any of the purposes aforesaid, or for the preservation and purity of said water, said district is hereby authorized to take and use water from Royal river, or from any spring, pond, brook or other water in the towns of Yarmouth and New Gloucester, or from any springs, brook or pond in the town of North Yarmouth; to conduct and distribute the same into and through the said town of Yarmouth and North Yarmouth; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under, in and over the Royal river, so-called, or under or over any water course, bridge, street, railroad, highway or other way; and said district is further authorized to enter upon and excavate any highway or other way, in such manner as least to disturb the same, and shall leave said ways in as safe and passable condition as before such excavation; to enter, pass over and excavate any lands, and to take and hold by purchase or otherwise, any real estate, rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. And said district is further authorized, for the purpose of making all needed repairs or extensions or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same or dig therein. Said district shall not render service in territory served or authorized to be served by any other utility unless consent to such service be first obtained from the public utilities commission.

Sec. 3. Right of eminent domain conferred. The said district for effecting and carrying out the purposes of its incorporation is authorized to take and hold as for public uses, by purchase, eminent domain or otherwise, any land or interest therein, or water rights necessary for erecting and maintaining dams for flowage and power for pumping its water supply through its mains, for reservoirs or stand pipes, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, for taking, distributing and disposing of water, and for rights of way or roadways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts, structures and lands, and it is further authorized to erect, construct and maintain dams, power stations, reservoirs, mains, aqueducts, structures and roadways necessary and convenient for its purposes.

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Sec. 4. Adjustments of damages. Said district shall be held liable to pay all damages that shall be sustained by any person or corporation by the taking of any land, water or other property, or by excavating through any land for the purpose of laying down pipes and aqueducts or building any reservoir, stand pipe, or other structures herein authorized to be built, and also damages for any injury resulting from said acts, and if any person sustaining damages as aforesaid and said district cannot mutually agree upon the sum to be paid therefor, such damages may be ascertained in the same manner and under the same conditions and restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

Sec. 5. Title of certain property of town of Yarmouth to vest in district when act becomes effective. At the time this act takes effect the title to the land, plant, property and franchises, rights and privileges, including all lands, waters, water rights, dams, reservoirs, pipes, stand pipes, machinery, fixtures, hydrants, tools, apparatus and appliances, bills receivable and accounts receivable owned by the town of Yarmouth and used or capable of being used for the purpose of maintaining a public water supply, shall vest in the Yarmouth Water District and become the property of the said district.

Sec. 6. Procedure as to crossing of railroads. In case of any crossing of railroad, unless consent is given by the company owning or operating such railroad, as to place, manner and conditions of the crossing, within thirty days after such consent is requested by such district, the public utilities commission shall, upon petition setting forth a description of said premises and the reasons for said crossing after notice given as said commission may prescribe, determine the place, manner and conditions of such crossing, and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of said railroad company, but at the expense of said district.

Sec. 7. Board of trustees provided for. All the affairs of said Yarmouth Water District shall be managed by the board of trustees composed of three members to be elected by the lawful voters of said district who shall be such as are qualified to vote at any regular meeting of the town of Yarmouth.

Sec. 8. Trustees, how elected; terms; vacancies; general powers and duties. After the adoption of this act as hereinbefore provided, a meeting of said district for the election of a board of trustees may be called at a time and place designated by any five persons who are entitled to vote at any meeting of the said district. Said notice shall specify the time and place of meeting and shall be posted in three or more conspicuous places

within said district. A notice of said meeting shall also be advertised in any newspaper published in said county. The three trustees elected shall hold office as follows: one for one year, one for two years and one for three years. Each shall hold office until his successor shall be elected and qualified. At each annual meeting thereafter one member shall be elected for a term of three years. In case of a vacancy by death, resignation or removal a meeting of the district shall be called by giving notice as aforesaid for the election of a successor. Said board shall choose their chairman and a clerk who shall keep the records of said district. The trustees may adopt a seal and such by-laws as are necessary for their convenience and for the proper management of the affairs of the district. They shall receive such compensation, if any, as the district at any regular or special meeting may determine, providing notice of such purpose shall be included in the call for the meeting. The trustees shall determine the times and places of their regular meetings which shall be held within said district and may have special meetings at any time by agreement or notice sent to the other trustees by any member of said board. Regular meetings of the district shall be held annually on the third Monday in February, and special meetings shall be called at any time by the trustees or any member of said board of trustees upon a written request of any ten lawful voters of said district. Said notice of such meeting shall specify the purpose to be transacted.

Sec. 9. Contracts of town to be assumed by the district; district a quasi-municipal corporation. All valid contracts and obligations of the town of Yarmouth issued for the purposes of supplying the inhabitants of said town with water shall be assumed and carried out by the Yarmouth Water District. Said district is hereby declared to be a quasi-municipal corporation within the meaning of section one hundred and five of chapter fifty-one of the revised statutes of nineteen hundred and sixteen, and the property of said district shall be exempt from taxation. All incidental powers, rights and privileges necessary for the accomplishment of the object herein set forth are granted to the district hereby created.

Sec. 10. Payment of rates; purposes for which revenue shall be used; sinking fund. All individuals, firms and corporations, whether public, private or municipal, shall pay to the said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

- i. To pay the current running expenses for maintaining the water system and provide for such extensions and renewals as may become necessary, except where such extensions shall have been provided for by an

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issue of bonds as authorized in section thirty-seven of chapter fifty-five of the revised statutes.

2. To provide for payment of interest on the indebtedness of the district.

3. To provide each year a sum equal to not less than one or more than four per cent of the entire indebtedness of the district, which sum shall be turned into a sinking-fund to provide for the final extinguishment of the funded debt. 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. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking-fund, issue the bonds of the district so that not less than one per centum of the amount of the bonds so issued shall mature and be retired each year.

Sec. 11. Provision for local referendum. This act shall take effect when approved by a majority vote by ballot of the inhabitants of the town of Yarmouth at a town meeting held not later than the first day of October, nineteen hundred and twenty-three, called as provided by law.

Sec. 12. Source of supply of school for feeble minded protected. Nothing herein shall interfere with or in any way curtail the right of the state to take its supply of water for the School for Feeble Minded at Pownal from Royal river, or its right to use said Royal river at all times for the drainage of sewerage from said school, and buildings used therewith.

Sec. 13. Existing statutes not affected; rights conferred subject to R. S., c. 55. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. All the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes and acts amendatory thereof and additional thereto.

Sec. 14. Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 22, 1923.

Chapter 73.

An Act to Incorporate the Knox-Bar-Library-Association.

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

Sec. 1. Corporators; name. Job H. Montgomery, Arthur S. Littlefield, George H. M. Barrett, Oscar H. Tripp, Rodney I. Thompson, Edward K.