

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 840

H. P. 623

House of Representatives, January 25, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Maxwell of Jay.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**AN ACT to Incorporate the Jay Village Water District.**

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**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, the present water supply is inadequate to serve all the users of the district and a new or more adequate supply must be immediately obtained; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the Town of Jay; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution 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; name; purposes; plans of system to be submitted to Public Utilities Commission for approval.** That part of the Town of Jay within the area hereinafter described, and the inhabitants within that area, are hereby created a body politic and corporate by the name of Jay Village Water District for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, agricultural, industrial and municipal purposes.

The area within the district is to be comprised of that part of the Town of Jay bounded and described as follows: Beginning at a point on the easterly side of U. S. Route No. 4 at a brook known as the Osgood Brook, just north of the Jay High School lot, thence following said brook southwesterly to the

Androscoggin River; thence following the Androscoggin River in a general westerly direction to the Seven Mile Brook, so called; thence northerly on said Seven Mile Brook, 1,000 feet to a point due west from a culvert on U. S. Route No. 4 near the foot of the north slope of Jay Hill, so called, said culvert being on the south line of the North Jay Water District; thence running easterly to the said culvert and continuing in the same course easterly to the Stones Corner Road, so called; thence southeasterly on said Stones Corner Road to the road known as U. S. Route No. 133; thence southwesterly on said U. S. Route No. 133 to a discontinued road running northerly known as the Osgood Road; thence northwesterly on said Osgood Road to the aforesaid Osgood Brook; thence in a southwesterly direction on said brook to the place of beginning.

**Sec. 2. Powers of Jay Village Water District; source of supply.** The said district, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any surface or underground lake, pond, river, stream, brook, spring or vein of water in the Town of Jay.

**Sec. 3. Right of eminent domain conferred; authorized to lay pipes over public ways; authorized to erect reservoirs.** The said district for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase or otherwise, including by right of eminent domain, any lands or interests therein, or water rights necessary for erecting and maintaining dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures, for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, standpipes, wells, power stations, reservoirs, mains, aqueducts, structures and lands, including the right to acquire by purchase or by exercise of eminent domain so much of the franchise, rights and privileges of the Livermore Falls Water District of Livermore Falls, Maine, as pertained to that portion of its water system now existing in the aforesaid area of said Jay Village Water District, including all lands, waters, water rights, dams, structures, reservoirs, pipes, fixtures and hydrants, together with all real estate so used or usable, and said Livermore Falls Water District is hereby authorized to sell and transfer to the Jay Village Water District its aforesaid property and franchise rights.

The said district is hereby authorized to lay water pipes, aqueducts and fixtures as may be necessary and convenient for its purposes in and through the streets, ways and highways of the said district and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway, it shall cause the same to be done with as little obstruction to public travel as practicable, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

The said district is hereby authorized, for the purpose of its incorporation, to erect and maintain reservoirs, wells, standpipes and other structures necessary and convenient for its corporate purposes.

Nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other

public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the Legislature.

**Sec. 4. Procedure in crossing public utility rights-of-way.** 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 such district, the Public Utilities Commission shall determine the place, manner and conditions of such crossings; 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. 5. Board of trustees; election.** Within 60 days of the time said district is accepted by the inhabitants of said Town of Jay, the selectmen of Jay shall call a meeting of the inhabitants of said district in the same manner in which a town meeting is called. Said meeting shall organize by the election of a moderator and then shall elect 3 trustees by the Australian ballot as provided for in the Revised Statutes of 1954, chapter 90-A, section 37, as enacted by the public laws of 1957, chapter 405, section 1. All inhabitants of said district who are bona fide voters in said Town of Jay shall be entitled to vote in said meeting and in subsequent district meetings. The selectmen of Jay shall prepare a check list of the inhabitants of said district entitled to vote in said meetings. Said trustees elected at said first district meeting shall determine by lot the term of office of each trustee so that one shall serve until the day of the next annual district meeting, one until the 2nd annual district meeting and one until the 3rd annual district meeting. On the same day of the annual town meeting of the inhabitants of said Jay in each year, there shall be held the annual meeting of the inhabitants of the water district. At each annual meeting of said district the voters therein shall elect one trustee to hold office for a term of 3 years. Said meeting shall also determine the compensation to be given said trustees for their services and shall make recommendations to the trustees as to the manner in which the affairs of the district are to be handled. Each trustee shall hold office until his successor is elected and signifies his acceptance of his office. No oath of office shall be required of said trustees. In case of the resignation, removal of his principal place of abode from said district or inability of a trustee to serve, the selectmen of said Town of Jay shall declare a vacancy in the office of said trustee and they shall immediately thereafter select a new trustee to serve until the next annual meeting of said district at which time a trustee shall be elected to serve the balance of the term of office of the said trustee. No member of the board of selectmen of said Town of Jay shall be a trustee of the water district.

**Sec. 6. Board of trustees; powers and duties.** All the affairs of the said district shall be managed by said board of trustees. As soon as convenient after the members of said board have been elected, said trustees shall meet and organize by the election of a chairman and a clerk, adopt a corporate seal and choose a manager who shall handle the funds of said district, and such other employees as they deem necessary and proper. Said manager shall be bonded in an amount considered proper by said trustees and the cost of said bond shall be borne by

the district. All trustees shall be eligible for reelection. The said manager and other employees shall hold offices during the pleasure of the trustees. They may also ordain and establish such by-laws, not inconsistent with the laws of the State, as are necessary for their convenience and the proper management of the affairs of said district. Said trustees may have the use of the municipal offices of the Town of Jay for the transaction of their business. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water 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 shall be made and filed with the board of selectmen of the Town of Jay on or before March 1st of each year.

**Sec. 7. District and town authorized to make contracts.** Said district, through its trustees is authorized to contract with persons and corporations including the Town of Jay and other water districts for supply of water, and said Town of Jay is authorized to contract with it for the supply of water for municipal purposes.

**Sec. 8. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks.** For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money from time to time, not exceeding \$100,000, and to issue therefor the interest-bearing negotiable notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness and to establish a fund therefor, of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees therefor, maturing at one time or in uniform or varying installments, and with or without call provisions. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 53, section 137 and chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section 1. The said notes and bonds shall be legal investments for savings banks.

**Sec. 9. Property tax exempt.** The property of said district shall be exempt from all taxation by the Town of Jay.

**Sec. 10. Water rates; sinking fund.** All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district and subject to approval of the Public Utilities Commission. Said rates shall be so established as to provide revenue for the following purposes:

- I. To pay current expenses for operating and maintaining the water system.
- II. To provide for the payment of the interest on the indebtedness created by the district.
- III. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said 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. 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 no less than 1% of the amount of the bonds so issued shall mature and be retired each year.
- IV. If any surplus remains at the end of the year, it may be turned into the sinking fund.

**Sec. 11. Incidental rights and powers granted.** All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

**Sec. 12. 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 the applicable provisions of the Revised Statutes of 1954, chapter 44, and all acts amendatory thereof or additional thereto.

**Referendum; effective date; certificate to Secretary of State.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Jay present and voting at the next annual town meeting or the annual town meeting to be held in 1962.

The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Jay Village Water District, passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided the total number of voters cast for and against the acceptance of this act at said meeting equaled or exceeded 20% of the total vote cast for all candidates for Governor in said town at the next preceding gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Jay and due certificate thereof shall be filed by the town clerk with the Secretary of State.