

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1554

House of Representatives, May 7, 1963

Reported by both the Majority and Minority of the Public Utilities and printed pursuant to House Rule 36.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

Committee Amendment "A" to H. P. 972, L. D. 1411, Bill, "An Act to Incorporate the Baileyville Water District."

Amend said Bill by striking out all of the 2nd paragraph of section 3 and inserting in place thereof the following paragraph:

'The said district is authorized to lay in and through the streets, roads, ways and highways in the Town of Baileyville and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, 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 as practicable to the public travel; and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.'

Further amend said Bill by striking out all of the last paragraph of section 4 and inserting in place thereof the following paragraph:

'If any person sustaining damages by any taking as aforesaid under this section shall not agree with said district upon the sum to be paid therefor either party may, by complaint filed in the Superior Court in the County of Washington, proceed under the Maine rules of civil procedure to bring an action against the other to have the damages assessed for any taking. The court shall determine the same by verdict of its jury or if all parties agree, by the court without a jury or by a referee or referees, and shall render judgment for just compensation with interest where such is due, and for costs in favor of the parties entitled thereto. An appeal may be taken on such award on questions of law under the Maine rules of civil procedure.'

Further amend said Bill by striking out all of the 2nd paragraph of section 6 and inserting in place thereof the following paragraph:

'As soon as may be after acceptance of this act, the town manager with the approval of the town council of the Town of Baileyville shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual meeting of said town following the acceptance of this act; one to serve until the 2nd annual meeting of said town following such acceptance; and one to serve until the 3rd annual meeting of said town following such acceptance. At the expiration of the term so determined the vacancy shall be filled for a term of 3 years and the trustees shall notify the municipal officers of the Town of Baileyville 30 days before the annual meeting of the Town of Baileyville, of the fact that a vacancy will occur so that the town manager with the approval of the town council of the Town of Baileyville may appoint a trustee, or trustees, to fill the vacancy that will occur. When any trustee ceases to be a resident of said district, he vacates his office as trustee. All trustees, if residents of said district, shall be eligible for reelection or reappointment as hereafter provided. When a vacancy on the board of trustees occurs by reason of death, resignation, removal from the district or otherwise, the town manager with the approval of the town council of the Town of Baileyville shall fill the vacancy by appointing a trustee who is a resident of the district to serve the remaining term of the trustee who has vacated his office.'

Further amend said Bill by striking out all of the 3rd paragraph of section 6.

Further amend said Bill by striking out all of the first sentence of the 4th paragraph of section 6 and inserting in place thereof the following sentence:

'As soon as convenient after their appointment, the board of trustees 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 without such notice.'

Further amend said Bill by striking out all of the first sentence of the 5th paragraph of section 6 and inserting in place thereof the following sentence:

'Within one week after each annual meeting of the Town of Baileyville, the trustees shall meet for the purpose of electing a chairman, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified.'

Further amend said Bill by striking out all of the last 2 paragraphs of section 6.

Further amend said Bill by adding after the 2nd sentence of section 9 the following sentence:

'The petition shall also be filed in the registry of deeds in the County of Washington and the filing of said petition of taking shall immediately vest in the Baileyville Water District all right, title and interest of the Woodland Water and Electric Company insofar as the interests of said Woodland pertains to the water system, including all lands, waters, water rights, reservoirs, pipes, ma-

chinery, fixtures, hydrants, tools and all apparatus and appliances used or useable in supplying water.'

Further amend said Bill by striking out all of the last sentence of section 9 and inserting in place thereof the following sentence.

'On payment or tender by said district of the amount determined by the final decree together with interest thereon at the rate of 6% per annum from the date of the recording of the taking in the registry of deeds, and the performance of all other terms and conditions imposed by said court, the liability of said Baileyville Water District to the Woodland Water & Electric Company shall cease.'

Further amend said Bill by striking out all of section 11 and inserting in place thereof the following :

'Sec.11. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporations; notes and bonds legal investments for savings banks. For accomplishing the purpose of this act, said district, by vote of its board of trustees, without district vote except as hereinafter provided, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses and liabilities incurred in the creation of the district, and in acquiring properties, paying damages, laying pipes, mains and conduits, purchasing, constructing, maintaining and operating a water system and making renewals, additions, extensions and improvements to such system and to cover interest payments during any period of construction, said Baileyville Water District, by votes of its board of trustees, without district vote, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided, however, that the total indebtedness of said district at any one time outstanding shall not exceed the sum of \$500,000. Said bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and beginning not later than 2 years from the original issue thereof. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at premium as the trustees may determine. All notes, bonds or other evidences of indebtedness shall have inscribed upon their face the words "Baileyville Water District," shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, as amended, and all provisions of said section shall be applicable thereto. The said district may, from time to time, issue its bonds, notes and other evidences of

indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine and shall be tax exempt. The said district is hereby authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce the provisions of this act.'

Further amend said Bill by striking out all of section 12 and inserting in place thereof the following:

'Sec. 12. Property tax exempt. The property of said district shall be exempt from all taxation.'

Further amend said Bill by striking out all of section 17 and inserting in place thereof the following:

'Sec. 17. Costs and expenses of taking. All costs and expenses of the taking of the property of Woodland Water & Electric Co. arising under the provisions of this act shall be paid and borne by the Baileyville Water District. The fees and expenses of the appraisers shall be determined and shall be set by the court.'