

MAINE STATE LEGISLATURE

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FIFTY-FOURTH LEGISLATURE.

HOUSE.

No 56.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

AN ACT for supplying the city of Bangor with water.

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

SECTION 1. The city of Bangor is hereby authorized
2 to take, hold and convey into, about and through the
3 city of Bangor, from any point in Penobscot river that
4 may be deemed expedient, between the foot of Treat's
5 Falls in Bangor, and the head of McMahon's Falls in
6 Veazie, water sufficient for the use of said city and the
7 inhabitants thereof, for the extinguishment of fires,
8 domestic uses, creating steam ; and may flow, take
9 and hold, by purchase or otherwise, any lands or real
10 estate for laying and maintaining aqueducts or pipes,
11 for conducting, discharging, disposing of and distribut-
12 ing water, and for constructing, maintaining reservoirs,
13 dams and such other works as may be deemed neces-

14 sary or proper for raising, forcing, retaining, distribut-
15 ing, discharging or disposing of said water, and for the
16 erection of any works for said purposes, and for sinking
17 wells or making excavations for the filtration of water.

SECT. 2. Said city may erect and forever maintain
2 at said point a dam across said river for the retention
3 of water for said specified purposes, not exceeding
4 twelve feet in height above mean high tide, and pur-
5 chase any franchises or the right to operate under any
6 franchises required for said purposes, or may purchase
7 and forever maintain any dam erected or to be erected
8 across said river at said point for the retention of said
9 water, or may purchase the privilege and right forever
10 to draw and take from said river at said point, a suffi-
11 cient quantity of water for all said purposes, and suffi-
12 cient water power to pump and raise, force and dis-
13 tribute the same to any required places in said city.
14 May make, build, lay down, and maintain aqueducts
15 and pipes, from said river at said point, to, into,
16 through, and about said city, and secure and maintain
17 the same by any works suitable therefor; may make
18 and establish such public fountains and hydrants in
19 such places as may, from time to time, be deemed
20 proper, and prescribe the purposes for which the same
21 may be used, and may change or discontinue the same;
22 may distribute water throughout the city, and for this

23 purpose may lay down pipes to any house or building
24 in said city, the owner or owners thereof having notice
25 and not objecting thereto ; may regulate the use of
26 said water within said city, and establish, receive and
27 collect the prices or rents to be paid therefor ; and the
28 said city may, for the purposes aforesaid, carry and
29 conduct and maintain any aqueducts, pipes or other
30 works by them to be made, laid down or conducted
31 over, under, through or across any water-course or
32 river, street, bridge, railroad, highway, or other way,
33 in such manner as not to obstruct the travel or free use
34 thereof ; may enter upon and dig up any such road,
35 street or way, for the purpose of laying down pipes
36 beneath the surface thereof, and for maintaining and
37 repairing the same, and in general may do any other
38 acts and things necessary or convenient and proper for
39 carrying out the purposes of this act.

SECT. 3. If said city shall elect to erect or purchase
2 a dam as aforesaid, for said purposes, and there shall
3 be a surplus of water after supplying at present all of
4 said purposes, said city may sell or lease any surplus
5 power created by said dam.

SECT. 4. Said city shall be liable to pay all damages
2 that shall be sustained by any persons or corporations
3 in their property by the taking of any land or by flow-
4 age or excavating through any land, for the purpose

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5 of laying down pipes, building dams, or constructing
6 reservoirs or making excavations. And if any person
7 or corporation sustaining damage as aforesaid, and said
8 city shall not mutually agree upon the sum to be paid
9 therefor, such person or corporation may cause said
10 damages to be ascertained and determined in the same
11 manner and under the same conditions, restrictions
12 and limitations as are by law prescribed in the case of
13 damage by the laying out of highways.

SECT. 5. The rights, powers and authorities given
2 to the city of Bangor by this act, shall be exercised by
3 said city, subject to the restrictions, duties and liabili-
4 ties herein contained, in such manner and by such
5 commissioners, officers, agents and servants, as the city
6 council shall from time to time ordain, appoint and
7 direct.

SECT. 6. For the purpose of defraying the expenses
2 which may be incurred by said city in carrying into
3 effect the powers herein granted to said city of Ban-
4 gor, said city is authorized to raise money by issuing
5 and selling its bonds or script from time to time as the
6 same shall be needful, not exceeding, however, in all
7 the amount of three hundred and fifty thousand dollars.
8 Said bonds shall be designated and marked "City of
9 Bangor Water Loan Bonds," and shall all bear date of
10 the first issue of said bonds, be made payable to the

11 holder thereof in thirty years from date, and in such
12 sums and at such places as the city council may deter-
13 mine, with coupons for interest attached, reckoned at
14 the rate of six per cent. per annum, payable semi-
15 annually, and shall be signed by the treasurer and
16 countersigned by the mayor of said city.

SECT. 7. The city council of said city is authorized
2 to establish, assess, collect and receive, annually, and
3 as much oftener as may be deemed expedient, such
4 prices, rents and tolls for water, of the water takers ;
5 shall pay, as the same shall become due, a part or the
6 whole of the interest on said bonds, the expenses of
7 carrying on or running said works, and repairing the
8 same. And said city council is authorized, from time
9 to time, to grant, assess, collect and appropriate in the
10 same manner as other money is granted, assessed, col-
11 lected and appropriated for other city purposes, such
12 sums of money as shall be necessary to pay any de-
13 ficiency in the amount assessed and collected as afore-
14 said, of said water takers, to pay said interest and
15 expenses.

SECT. 8. In order to create a sinking fund to pay
2 and extinguish said bonds at maturity, and as compen-
3 sation for the use of water for municipal purposes, said
4 city is authorized, annually, after the expiration of five
5 years from the issue of said bonds, to grant, assess,

6 collect and appropriate in the same manner as other
7 money is granted, assessed and appropriated for other
8 city purposes, a sum not exceeding ten thousand dol-
9 lars, and for such a number of years that said fund
10 thus created, with the accumulated interest or income
11 thereof, shall be sufficient in amount to redeem and
12 extinguish all of said bonds at maturity; said money
13 thus raised shall be invested in the purchase of bonds
14 of said city, or of municipal bonds of other cities in
15 New England of a population of not less than twenty
16 thousand inhabitants, or of county or state bonds of
17 New England.

SECT. 9. If any person shall use any of said water
2 within said city, without the consent of said city, an
3 action of tort may be maintained by said city for the
4 recovery of the damages sustained.

SECT. 10. If any person shall wantonly or malic-
2 iously divert the water from, or corrupt the water in
3 or destroy or injure any aqueduct, reservoir, pipe,
4 conduit, hydrant, machine, or other works or property,
5 held, owned or used by said city of Bangor, by the
6 authority and for the purposes of this act, every such
7 person or persons shall forfeit and pay to said city three
8 times the amount of damages that shall be assessed
9 therefor, to be recovered by an action of the case; and
10 every such person or persons may moreover on indict-

11 ment for, and conviction of either of the wanton or
12 malicious acts aforesaid, be punished by a fine not ex-
13 ceeding one thousand dollars and imprisonment not
14 exceeding one year.

SECT. 11. This act shall not take effect or be of any
2 force until the city council of said city by a concur-
3 rent vote of at least two-thirds of the members of each
4 branch of the city council present and voting, shall
5 submit the same to a vote of the legal voters of the
6 city, in ward meetings; and the legal voters of the
7 city in legal ward meetings shall, by a vote of two-
8 thirds of all the votes thrown in the city at such meet-
9 ings, adopt the same. But if within six months from
10 the approval of this act, said city shall accept said act
11 by such concurrent vote of said city council and of said
12 legal voters as aforesaid, then said act shall be in force
13 thereafter, but not otherwise. Said ward meetings
14 shall be called at such time or times as the mayor and
15 aldermen may appoint, and be notified and warned,
16 held, returns made, declared and recorded, agreeably
17 to the provisions of the city charter of said city for
18 calling and holding ward meetings for the choice of
19 city officers, and returns thereof.

SECT. 12. The Bangor Water Company, or any per-
2 son or persons named in the act incorporating said
3 company, may petition the supreme court for the

4 county of Penobscot, setting forth that said company,
5 person or persons have a claim against the city of Ban-
6 gor, growing out of monies advanced or services per-
7 formed to secure the introduction of water into said
8 city, and after notice, a hearing shall be had of the
9 parties, and the court shall determine whether the pe-
10 titioners have any legal or equitable claim upon said
11 city; and in case said court shall determine that such
12 claim exists, then, and not otherwise, the court shall
13 appoint three suitable men to determine the amount of
14 such claim, and the same proceedings shall be had as
15 in case of a reference of an action in court under the
16 laws of this state.

AMENDMENT "A."

Amend section five by striking out all in the fourth
2 line thereof after the word "contained," and substitut-
3 ing therefor the words "by a board of commissioners
4 consisting of three persons, called the 'water board,'
5 and George Stetson, Gorham L. Boynton, and Luther
6 H. Eaton, all of said Bangor, shall constitute said
7 board at first; the said Stetson, Boynton and Eaton,
8 to hold office for three, four and five years respectively,
9 from acceptance of this act, and as each term of office
10 expires, the vacancy shall be filled by the election of
11 a new member of said board, to hold office for the term
12 of three years; said election to be by the city council
13 of the city of Bangor, in joint convention of both boards
14 of said council. In case of any vacancy in said board
15 by death, resignation, or otherwise, the election to fill
16 the vacancy for the unexpired term shall be in the
17 same manner. The compensation of said 'water board'
18 shall be fixed by the municipal officers of the city of
19 Bangor."

AMENDMENT "B."

Amend section six by adding to it the words "and
2 by the members of the water board."

AMENDMENT "C."

Amend section eleven by striking out all between
2 "until," in the second line, and the word "the," in
3 the sixth line.

AMENDMENT "D."

Amend section eleven by striking out of eleventh line
2 after the word "by," the words "such concurrent,"
3 and after the word "of," the words "said city council
4 and of."

AMENDMENT "E."

Amend section eleven by striking out all of said sec-
2 tion after the word "otherwise," in the thirteenth line,
3 and substituting therefor the following words: "The
4 adoption of this act shall first be submitted to the legal
5 voters of said city of Bangor, at the municipal election
6 on the second Monday in March, A. D. eighteen hun-
7 dred and seventy-five, in pursuance of an article to be
8 inserted therefor in the warrant for said election; and
9 if not then adopted may be afterwards, at any time
10 during said six months, submitted to said legal voters
11 by a vote of a majority of the members of the city-
12 council present and voting in joint convention; and
13 such submission may be at special ward meetings noti-
14 fied and warned, held, returns made, declared and re-
15 corded, agreeably to the provisions of the city charter

16 of said city for calling and holding ward meetings for
17 the choice of city officers and returns thereof.”

AMENDMENT “F.”

Amend by adding to said act as follows: “In any
2 dam erected under this charter shall be constructed and
3 maintained suitable locks or sluices for the passage of
4 boats, rafts, logs, and other lumber.”

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 11, 1875. }

Read three times, and on motion of Mr. WILSON of Bangor,
ordered printed as amended [per "A," "B," "C," "D," "E" and
"F,"] by the Senate.

S. J. CHADBOURNE, *Clerk.*