

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

Sixty-Seventh Legislature.

SENATE.

No. 250.

STATE OF MAINE.

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

AN ACT to incorporate the Water Commissioners of the
City of Auburn, under the name of the Auburn Water
Commissioners.

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

SECTION 1. The water commissioners of the city of
2 Auburn, elected under the provisions of chapter eighty-
3 two of the Private and Special Laws of 1891, entitled
4 "An Act to supply the city of Auburn with pure water,"
5 approved February 18, 1891, and in accordance with an
6 ordinance of the mayor, aldermen and common council of
7 the city of Auburn, finally ordained July 24, 1893, and
8 their successors, to be hereafter elected in accordance
9 with said act and said ordinance, are hereby created a

10 body corporate and politic, by the name of the Auburn
11 Water Commissioners, and as such shall have a common
12 seal, and power to sue and be sued. The Auburn Water
13 Commissioners shall elect a president from among their
14 own number, and shall elect a clerk, and choose such
15 other officers as are designated by said ordinance and as
16 the city council of the city of Auburn may hereafter
17 designate by ordinance. The city treasurer of the city of
18 Auburn, for the time being, shall be treasurer ex officio
19 of the Auburn Water Commissioners, and shall keep the
20 accounts of the money received and disbur-ed by him as
21 treasurer of the city, separate and distinct from those of
22 the money received and disbursed by him as treasurer of
23 said Auburn Water Commissioners. The officers of the
24 water commissioners of the city of Auburn, in office when
25 this act takes effect, shall be the officers of the corpora-
26 tion until their successors are chosen in accordance with
27 said ordinance.

SECT. 2. The powers and duties of said Auburn Water
2 Commissioners shall be those prescribed for the water com-
3 missioners of the city of Auburn in said chapter eighty-two
4 of the private and special laws of 1891, and in said ordi-
5 nance, and in such other ordinances as the city council of
6 Auburn may from time to time ordain.

SECT. 3. The Auburn Water Commissioners are hereby
2 authorized to issue the bonds of the corporation, to be
3 known as the "Auburn Water Works Bonds," at such
4 rates and on such times as may be approved by the city
5 council, and for such amount as the city council may
6 approve, not to exceed two hundred and fifty thousand
7 dollars; and the proceeds of the sale of said bonds shall

8 be used exclusively for the purpose of paying the floating
9 indebtedness incurred by the city of Auburn in the pur-
10 chase and extension of its system of water works, and for
11 such future extensions and improvements as may be
12 approved by the city council.

SECT. 4. The city of Auburn is hereby authorized,
2 when its city council so votes, to convey to the Auburn
3 Water Commissioners, the corporation hereby created in
4 trust, its system of water works, meaning all the property
5 purchased by said city, of the Auburn Aqueduct Com-
6 pany, under the provisions of said chapter eighty-two of
7 the Private and Special Laws of 1891, and chapter five
8 hundred and sixty of the Private and Special Laws of
9 1893, together with all additions, extensions and improve-
10 ments made to said system of water works, for the sole
11 purpose of securing the payment of the bonds issued
12 under the provisions of section three of this act, and for
13 no other purpose. Said Auburn Water Commissioners
14 may hold said property in trust for said purpose. And
15 said system of water works shall be holden for the pay-
16 ment of said bonds and their coupons, and said bonds and
17 their coupons shall constitute a first lien thereon, subject
18 to any existing incumbrance; and said lien shall not be
19 impaired by said city or said Auburn Water Commission-
20 ers until all said bonds and coupons issued hereunder
21 shall have been paid and said trust discharged.

SECT. 5. In case of default in the payment of any of
2 said bonds, or the coupons attached thereto, when due, any
3 holder thereof may petition the supreme judicial court for
4 the county of Androscoggin, by bill in equity, for the ben-
5 efit of himself as well as for the benefit of all other holders

6 of said bonds, and said court may enforce said lien, by
7 appointment of receiver and by sale of said property,
8 according to the usual practice in equity proceedings.

SECT. 6. The rates for the supply of water, charged
2 and collected by said Auburn Water Commissioners, shall
3 be fixed so that all expenses for repairs and management
4 shall be paid annually, together with interest on the cost
5 of the purchase of said system of water works by the city,
6 and on the cost of all extensions thereto, and, in addition
7 thereto, not less than one per cent of said principal expendi-
8 tures.

SECT. 7. Said Auburn Water Commissioners shall create
2 the sinking fund provided for in said ordinance of the
3 city of Auburn, ordained July 24, 1893; and in addition
4 to the provisions therein made for such sinking fund,
5 they shall invest the one per cent of the principal
6 expenditures mentioned in section six of this act, in
7 such securities as savings banks in this state are by
8 law authorized to invest in. Any surplus of the receipts
9 of said Auburn Water Commissioners remaining at the
10 end of the municipal year, after paying for all repairs,
11 operating expenses, extensions, and interest charges as
12 aforesaid, and said one per cent for the sinking fund,
13 said Auburn Water Commissioners shall likewise invest
14 as aforesaid, and place in said sinking fund. And said
15 Auburn Water Commissioners may, when necessary,
16 re-invest any of said securities. Said sinking fund and
17 its accumulations shall be held solely for the purpose of
18 redeeming and paying the principal of said bonds. Said
19 city treasurer shall be the custodian of the sinking fund.

SECT. 8. Bonds issued under the provisions of this act
2 may be purchased and held by savings banks in this state.

SECT. 9. The city of Auburn may assume the indebted-
2 ness represented by said bonds whenever it can constitu-
3 tionally do so, by exchanging its own bonds for the bonds
4 issued under the provisions of this act, and said bonds
5 shall so provide. Bonds so providing shall be deemed
6 negotiable. And whenever all of the indebtedness is thus
7 assumed by the exchange of bonds, or whenever said
8 bonds and their coupons are all paid, said trust shall
9 thereupon be discharged, on petition of said city of
10 Auburn, or said Auburn Water Commissioners, to the
11 supreme judicial court for the county of Androscoggin,
12 sitting in equity, and said property shall be reconveyed
13 to said city of Auburn, discharged of said trust.

SECT. 10. Said Auburn Water Commissioners shall
2 not sell, mortgage, or in any way dispose of said property,
3 but shall hold the same solely for the purposes of the trust
4 provided for by this act.

SECT. 11. All duties and powers necessary to be
2 exercised with respect to said system of water works, not
3 conferred upon said Auburn Water Commissioners by said
4 chapter eighty-two, or by said ordinance, or by any ordi-
5 nances to be hereafter ordained by said city, shall be
6 vested in the city of Auburn. The city of Auburn, and
7 not said Auburn Water Commissioners, shall be liable for
8 all damages occasioned under the provisions of section
9 three and four of said chapter eighty-two of the Private
10 and Special Laws of 1891, and for such other defaults as
11 said city would have been liable for, had not the trust
12 herein provided for been created.

SECT. 12. This act shall take effect whenever approved
2 by a two-thirds vote of the votes cast by written ballot,
3 by the legal voters of the city of Auburn at a meeting of

4 the citizens qualified to vote in city affairs, requested,
5 warned and held as provided in section twenty-one of the
6 charter of the city of Auburn, approved February 12,
7 1868. A moderator shall be chosen. The city clerk of said
8 city shall be clerk of such meeting, and shall record the pro-
9 ceedings thereof. The mayor of said city shall warn
10 such meeting by publishing his warrant therefor in
11 some newspaper published in Lewiston or Auburn,
12 three weeks successively, and by causing a copy
13 thereof to be posted at the entrance to Auburn hall,
14 the last publication, and the posting of the copy of
15 the warrant to be at least seven days before such
16 meeting is held. At such meeting, the polls shall be
17 opened at 10 o'clock, A. M., and closed at 4 o'clock, P.
18 M. The vote shall be by written ballot, and the ballots
19 shall be counted and declared in open meeting. The
20 board of registration of said city shall be in session during
21 such meeting and shall determine the qualification of any
22 one claiming the right to vote, if in dispute.

STATE OF MAINE.

IN SENATE, March 19, 1895.

Reported by Mr. SAVAGE, from Committee on Judiciary, and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*