

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 102.

STATE OF MAINE.

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

AN ACT to authorize the town of Richmond to purchase the property and franchises of the Richmond Water Company, and to incorporate the Richmond Water Commissioners.

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

Section 1. The inhabitants of the town of Richmond are 2 hereby authorized to purchase the franchises and property 3 of the Richmond Water Company, and to issue bonds there- 4 for in whole or in part to be known as Richmond Water 5 Bonds in such amount and at such rate and on such time 6 as said inhabitants shall vote as hereinafter provided.

Sect. 2. The Richmond Water Company is hereby author- 2 ized to sell, transfer and convey its franchises and property

3 to the town of Richmond or to the Richmond Water Com-
4 missioners, hereinafter incorporated.

Sect. 3. At any meeting of the inhabitants of said town
2 they may by a majority vote instruct the municipal officers
3 thereof to purchase said franchises and property at such
4 price and upon such conditions as shall be then voted.

Sect. 4. The town of Richmond, in case it shall so pur-
2 chase the franchises and property of said Richmond Water
3 Company, shall succeed to all the rights and privileges of
4 said company, and be subject to all its duties.

Sect. 5. The selectmen of Richmond in office, on the
2 approval of this act by the Governor, and their successors,
3 to be hereafter elected in accordance with law, are hereby
4 created a body corporate and politic, by the name of the
5 Richmond Water Commissioners, and as such shall have
6 a common seal, and power to sue and be sued. The Rich-
7 mond Water Commissioners shall elect a president from
8 among their own number, and shall elect a clerk, and choose
9 such other officers as the town of Richmond may hereafter
10 designate by ordinance. The town treasurer of the town
11 of Richmond, for the time being, shall be treasurer, ex-
12 officio, of the Richmond Water Commissioners, and shall
13 keep the accounts of the money received and disbursed by
14 him as treasurer of the town separate and distinct from
15 those of the money received and disbursed by him as treas-
16 urer of said Richmond Water Commissioners.

Sect. 6. The powers and duties of said Richmond Water
2 Commissioners shall be those prescribed by such ordinances

3 as the town of Richmond may, from time to time, ordain.

Sect. 7. The Richmond Water Commissioners are hereby
2 authorized to issue the bonds of the corporation, to be
3 known as the Richmond Water Commissioners Bonds, at
4 such rates and on such times as may be approved by the
5 town, and for such amount, not exceeding sixty thousand
6 dollars, as the town may approve; and the proceeds of the
7 sale of said bonds shall be used exclusively for the purpose
8 of paying the floating indebtedness incurred by the town of
9 Richmond in the purchase and extension of the system of
10 water works by this act authorized, and for such future
11 extensions and improvements as may be approved by the
12 said town, or for the purchase by said Commissioners by
13 this act authorized.

Sect. 8. The town of Richmond is hereby authorized to
2 convey to the Richmond Water Commissioners, the corpo-
3 ration hereby created, in trust, all the property to be pur-
4 chased by said town of the Richmond Water Company,
5 under the provisions of this act, together with all additions,
6 extensions and improvements made to said system of water
7 works, for the sole purpose of securing the payment of the
8 bonds issued under the provisions of section 7 of this act,
9 and for no other purpose. In like manner the Richmond
10 Water Company may convey its property and franchises
11 direct to said commissioners. Said Richmond Water Com-
12 missioners, in either case, may hold said property in trust for
13 said purpose. And said system of water works shall be

14 holden for payment of said bonds and their coupons, and
15 said bonds and their coupons shall constitute a first lien
16 thereon, subject to any existing incumbrance; and said lien
17 shall not be impaired by said town or by said Richmond
18 Water Commissioners until all said bonds and coupons
19 issued hereunder shall have been paid and said trust dis-
20 charged.

Sect. 9. In case of default in the payment of any of said
2 bonds, or the coupons attached thereto, when due, any
3 holder thereof may petition the supreme judicial court for
4 the county of Sagadahoc, by bill in equity, for the benefit
5 of himself, as well as for the benefit of all other holders of said
6 bonds, and said court may enforce said lien, by appointment
7 of receiver and by sale of said property, according to the
8 usual practice in equity proceedings.

Sect. 10. The rates for the supply of water, charged and
2 collected by said Richmond Water Commissioners, shall be
3 fixed so that all expenses for repairs and management shall
4 be paid annually, together with interest on the cost of the
5 purchase of said system of water works by the town, and
6 on the cost of all extensions thereto, and in addition thereto,
7 not less than one per cent of said principal expenditures.

Sect. 11. Said Richmond Water Commissioners shall invest
2 the said one per cent of the principal expenditures men-
3 tioned in section 6 of this act as a sinking fund, in such
4 securities as savings banks in this State are by law author-
5 ized to invest in. Any surplus of the receipts of said Rich-

6 mond Water Commissioners remaining at the end of the
7 municipal year after paying for all repairs, operating expen-
8 ses, extensions and interest charges as aforesaid, and said
9 one per cent for the sinking fund, said Richmond Water
10 Commissioners shall likewise invest as aforesaid, and place
11 in said sinking fund. And said Richmond Water Commis-
12 sioners may, when necessary, re-invest any of said securi-
13 ties. Said sinking fund and its accumulations shall be held
14 solely for the purpose of redeeming and paying the principal
15 of said bonds. Said town treasurer shall be the custodian
16 of the sinking fund.

Sect. 12. Bonds issued under the provisions of this act
2 may be purchased and held by savings banks in this State.

Sect. 13. The town of Richmond may assume the indebt-
2 edness 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 shall
5 so provide. Bonds so providing shall be deemed negoti-
6 able. And whenever all of the indebtedness is thus
7 assumed by the exchange of bonds, or whenever said bonds
8 and their coupons are all paid, said trust shall thereupon
9 be discharged, on petition of said town of Richmond, or
10 said Richmond Water Commissioners, to the supreme judi-
11 cial court for the county of Sagadahoc, sitting in equity, and
12 said property shall be reconveyed to said town of Rich-
13 mond, discharged of said trust.

Sect. 14. Said Richmond Water Commissioners shall not
2 sell, mortgage, or in any way dispose of said property, but

3 shall hold the same solely for the purposes of the trust pro-
4 vided for by this act.

Sect. 15. All duties and powers necessary to be exercised
2 with respect to said system of water works not conferred
3 upon said Richmond Water Commissioners by the act, or
4 by any ordinances to be hereafter ordained by said town,
5 shall be vested in the town of Richmond. The town of
6 Richmond, and not said Richmond Water Commissioners,
7 shall be liable for all damages occasioned under and through
8 the use of the franchises of the said Richmond Water Com-
9 pany, and for such other defaults as said town would have
10 been liable for had not the trust therein provided for been
11 created.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

February 17, 1897.

Reported by Mr. SMITH of Presque Isle, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*