

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Eighth Legislature.

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HOUSE.

No. 166.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Hallowell Water Commissioners.

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

Section 1. The mayor and aldermen of the city of Hallowell, in office when this act shall take effect, and their successors, to be hereafter elected in accordance with such ordinances as may be ordained therefor, are hereby created a body corporate and politic, by the name of the Hallowell Water Commissioners, and as such shall have a common seal, and power to sue and be sued. The Hallowell Water Commissioners shall elect a president from among their own number, and shall elect a clerk, and choose such other officers as the

10 city council of the city of Hallowell may hereafter designate  
11 by ordinance. The city treasurer of the city of Hallowell,  
12 for the time being, shall be treasurer, ex-officio, of the Hallo-  
13 well Water Commissioners, and shall keep the accounts of  
14 the money received and disbursed by him as treasurer of the  
15 city, separate and distinct from those of the money received  
16 and disbursed by him as treasurer of said Hallowell Water  
17 Commissioners.

Sect. 2. The powers and duties of said Hallowell Water  
2 Commissioners, as to in matters of detail, shall be prescribed  
3 by such ordinances as the city council of Hallowell may,  
4 from time to time, ordain.

Sect. 3. The Hallowell Water Commissioners are hereby  
2 authorized to issue the bonds of the corporation, to be  
3 known as the Hallowell Water Commissioners Bonds, at  
4 such rates and on such times as may be approved by the  
5 city council and for such amount as the city council may  
6 approve, not exceeding seventy-five thousand dollars; and  
7 the proceeds of the sale of said bonds shall be used exclu-  
8 sively for the purpose of paying such floating indebtedness  
9 as may be incurred by the city of Hallowell in the purchase  
10 and extension of a system of water works, under chapter  
11 two hundred and eighty of the Private and Special Laws for  
12 eighteen hundred and ninety-five, and for such future exten-  
13 sions and improvements as may be approved by the city  
14 council.

Sect. 4. The city of Hallowell is hereby authorized, when  
2 its city council so votes, to convey to the Hallowell Water

3 Commissioners, the corporation hereby created, in trust,  
4 such system of water works as may be purchased by said city  
5 of the Hallowell Water Company, under the provisions of  
6 said chapter two hundred and eighty of the Private and  
7 Special Laws of eighteen hundred and ninety-five, together  
8 with all additions, extensions and improvements then made  
9 to said system of water works, for the sole purpose of secur-  
10 ing the payment of the bonds issued under the provisions of  
11 section three of this act, and for no other purpose. Said  
12 Hallowell Water Commissioners may hold said property in  
13 trust for said purpose. And said system of water works  
14 shall be holden for the payment of said bonds and their cou-  
15 pons, and said bonds and their coupons shall constitute a  
16 first lien thereon; and said lein shall not be impaired by said  
17 city or by said Hallowell water commissioners until all said  
18 bonds and coupons issued hereunder shall have been paid  
19 and said trust discharged.

Sect. 5. 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 Kennebec, by bill in equity, for the benefit of  
5 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. 6. The rates for the supply of water, charged and  
2 collected by said Hallowell 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 and building of said system of water works by the  
6 said city, and on the cost of all extensions thereto, and in  
7 addition thereto, not less than one per cent. of said principal  
8 expenditures. But the amount assessed upon the city for  
9 fire or hydrant service shall not exceed in gross or per  
10 hydrant a reasonable rate.

Sect. 7. Said Hallowell Water Commissioners shall create  
2 a sinking fund for the bonds by them issued, and shall invest  
3 the one per cent. of the principal expenditures mentioned  
4 in section six of this act, in such securities as savings banks  
5 in this State are by law authorized to invest in. Any sur-  
6 plus of the receipts of said Hallowell Water Commissioners  
7 remaining at the end of the municipal year after paying for  
8 all repairs, operating expenses, extensions and interest  
9 charges as aforesaid, and said one per cent. for the sinking  
10 fund, said Hallowell Water Commissioners shall likewise  
11 invest as aforesaid, and place in said sinking fund. And said  
12 Hallowell Water Commissioners may, when necessary, re-  
13 invest any of said securities. Said sinking fund and its  
14 accumulations shall be held solely for the purpose of redeem-  
15 ing and paying the principal of said bonds. Said city treas-  
16 urer shall be the custodian of the sinking fund.

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

Sect. 9. The city of Hallowell may assume the indebted-  
2 ness represented by said bonds whenever it can constitution-

3 ally do so, by exchanging its own bonds for the bonds issued  
4 under the provisions of this act, and said bonds shall so pro-  
5 vide. Bonds so providing shall be deemed negotiable.  
6 Whenever all of the indebtedness is thus assumed by the  
7 exchange of bonds, or whenever said bonds and their cou-  
8 pons are all paid, said trust shall thereupon be discharged,  
9 on petition of said city of Hallowell, or said Hallowell Water  
10 Commissioners, to the supreme judicial court for the county  
11 of Kennebec, sitting in equity, and said property shall be  
12 reconveyed to said city of Hallowell, discharged of said trust.

Sect. 10. Said Hallowell 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. 11. All duties and powers necessary to be exercised  
2 with respect to said system of water works, not hereby con-  
3 ferred upon said Hallowell Water Commissioners, or by any  
4 ordinances to be hereafter ordained by said city, shall be  
5 vested in the city of Hallowell. The city of Hallowell, and  
6 not said Hallowell Water Commissioners, shall be liable for  
7 all damages occasioned under the provisions of sections  
8 one, two, three, four, five and six of said chapter two hun-  
9 dred and eighty of the Private and Special Laws of eighteen  
10 hundred and ninety-five, and for such other defaults as said  
11 city would have been liable for, had not the trust herein pro-  
12 vided for been created.

Sect. 12. This act shall take effect whenever approved by  
2 a two-thirds vote of the votes cast by the legal voters of the

3 city of Hallowell at a meeting of the citizens thereof qualified  
4 to vote in city affairs, requested, warned and held as pro-  
5 vided by the charter of said city. A moderator shall be  
6 chosen. The city clerk shall be clerk of such meeting and  
7 shall record the proceedings thereof. At such meeting the  
8 polls shall be opened at ten o'clock in the forenoon and  
9 closed at four o'clock in the afternoon. The vote shall be  
10 by written ballot and the ballots shall be counted and  
11 declared in open meeting. The board of registration of said  
12 city shall be in session during such meeting and shall deter-  
13 mine the qualification of any one claiming the right to vote,  
14 if in dispute. The preceding sections of this act, however,  
15 shall not take effect unless the city of Hallowell fully com-  
16 plies with all the provisions and conditions contained in sec-  
17 tions eleven and twelve of chapter two hundred and eighty  
18 of the Private and Special Laws of the year eighteen hundred  
19 and ninety-five.

Sect. 13. For the purposes of section twelve this act shall  
2 take effect when approved by the Governor.





STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,  
February 26, 1897.

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

W. S. COTTON, *Clerk.*