

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 211.

STATE OF MAINE.

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

AN ACT to incorporate the Kennebec Water District.

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

Section 1. The territory and people constituting the city
2 of Waterville and the Fairfield Village Corporation, shall
3 constitute a body politic and corporate under the name of the
4 Kennebec Water District for the purpose of supplying the
5 inhabitants of said district and of the towns of Benton and
6 Winslow and all said municipalities with pure water for
7 domestic, and municipal purposes.

Sect. 2. Said district is hereby authorized for the purposes
2 aforesaid to take and hold sufficient water of the Kennebec
3 river, the Messalonskee stream or its tributary lakes, or the

4 Sebasticook river or its tributary lakes, and may take and
5 hold by purchase or otherwise, any land or real estate neces-
6 sary for erecting dams, power, reservoirs or for preserving
7 purity of the water and water shed and for laying and main-
8 taining aqueducts for conducting, discharging, distributing
9 and disposing of water.

Sect. 3. Said district shall be liable for all damages that
2 shall be sustained by any persons or corporations in their
3 property by taking of any land whatsoever or mill privileges
4 within the district or water from Snow pond, or by flowage,
5 or by excavating through any land for the purpose of laying
6 pipes, building dams or constructing reservoirs. If any
7 persons sustaining damages as aforesaid and said corporation
8 shall not mutually agree upon the sum to be paid therefor,
9 such person may cause his damage to be ascertained in the
10 same manner and under the same conditions, restrictions and
11 limitations as are or may be prescribed in case of damages
12 by the laying out of highways.

Sect. 4. Said district is hereby authorized to lay in and
2 through the streets and highways thereof and of said towns
3 of Benton and Winslow, and to take up, repair and replace
4 all such pipes, aqueducts and fixtures as may be necessary
5 for the objects above set forth, and whenever said district
6 shall lay any pipes or aqueducts in any street or highway,
7 it shall cause the same to be done with as little obstruction
8 as possible to the public travel, and shall at its own expense
9 without unnecessary delay cause the earth and pavement
10 removed by it to be replaced in proper condition.

Sect. 5. All the affairs of said water district shall be man-
2 aged by a board of trustees composed of five members. Two
3 of said trustees shall be chosen by the municipal officers of
4 Waterville, two by the municipal officers of the Fairfield
5 Village Corporation, and one shall be appointed by the county

6 commissioners of Kennebec county from outside said district.
7 As soon as convenient after the members of said board have
8 been chosen, said trustees shall hold a meeting at the city
9 rooms in the city of Waterville and organize by the election
10 of a president and clerk, adopt a corporate seal, and when
11 necessary may choose a treasurer and all other needful offi-
12 cers and agents for the proper conduct and management of
13 the affairs of said district. At said first meeting they shall
14 determine by lot the term of office of each trustee so that one
15 shall serve for one year, one for two years, one for three
16 years, one for four years and one for five years; and when-
17 ever the term of office of a trustee expires, the body which
18 appointed said trustee shall appoint a successor to serve the
19 full term of five years; and in case any other vacancy arises
20 it shall be filled in like manner for the unexpired term. They
21 may also ordain and establish such by-laws as are necessary
22 for their own convenience and the proper management of
23 the district's affairs. The term of office of trustees shall
24 begin on the first Monday of April. Said trustees may pro-
25 cure an office and incur such expenses as may be necessary.
26 They shall render their services without compensation but
27 shall receive an allowance of two dollars apiece for each
28 meeting of the board actually attended.

Sect. 6. Said water district is hereby authorized and em-
2 powered to acquire by purchase or by exercise of the right
3 of eminent domain, which right is hereby expressly delegated
4 to said district for said purpose, the entire plant, property
5 and franchises, rights and privileges now held by the Maine
6 Water Company within said district and said towns of Ben-
7 ton and Winslow, including all lands, waters, water-rights,
8 dams, reservoirs, pipes, machinery, fixtures, hydrants, tools,
9 and all apparatus and appliances owned by said company and

10 used in supplying water in said district and towns and any
11 other real estate in said district.

Sect. 7. In case said trustees fail to agree with said Maine
2 Water Company upon the terms of purchase of the above
3 mentioned property on or before April 15, 1899, said water
4 district through its trustees is hereby authorized to procure
5 judicial appraisal and condemnation of said property by bill
6 in equity filed in the Supreme Judicial Court for the county
7 of Kennebec for that purpose on or before May 1, 1899, and
8 jurisdiction is hereby given to said court over the entire mat-
9 ter, including application of the purchase money, discharge
10 of incumbrances and transfer of the property. For the
11 purpose of fixing the valuation thereof it shall appoint three
12 appraisers, one of whom shall be learned in the law and
13 another skilled in hydraulic engineering, none of whom shall
14 be residents of the counties of Kennebec or Somerset, and on
15 payment or tender by said district of the amount fixed, and
16 the performance of all other terms and conditions imposed by
17 the court, said entire plant, property, franchises, rights and
18 privileges shall become vested in said water district, and be
19 free from all liens, mortgages and incumbrances theretofore
20 created by the Waterville Water Company or the Maine
21 Water Company. Said appraisers shall, with other legal and
22 equitable rules of valuation, fix the valuation of said plant,
23 property and franchises at what they are fairly and equita-
24 bly worth, having regard not only to the physical condition
25 in which the plant and property are found, but also to their
26 location, position and fitness for use by the water district in
27 continuing the business of supplying water and to the connec-
28 tions already established showing said plant and property to
29 be a going concern. In their report said appraisers shall state
30 the date as of which the valuation aforesaid was fixed, from
31 which date interest on said award shall run, and all net rents

32 and profits accruing thereafter shall belong to the water dis-
33 trict. The court may confirm such report, or reject it or
34 recommit the same or submit the subject matter thereof to a
35 new board of appraisers.

Sect. 8. Before a commission is issued to the appraisers,
2 either party may ask for instructions to the appraisers and all
3 questions of law arising upon said requests for instructions
4 or upon any other matters in issue may be reported to the law
5 court for determination before the appraisers proceed to fix
6 the valuation of the property. All proceedings of the court
7 or any judge with reference to any matter herein, raising a
8 question of law, shall be subject to exceptions in the manner
9 provided by statute in equity causes; but after decision of the
10 law court upon report as provided for in the first part of this
11 section, notwithstanding said exceptions, the case shall pro-
12 ceed before a single justice and shall not again be marked
13 "law" until after decree thereon, unless the court or the judge
14 being of the opinion that any question involved is of sufficient
15 importance shall otherwise order. After said appraisers
16 begin the work of the valuation of said plant and property,
17 said bill in equity shall not be discontinued or withdrawn by
18 said water district and the said Maine Water Company after
19 that date may on its part cause said valuation to be made
20 as herein provided and shall be entitled to appropriate process
21 to compel said water district to perform the terms of the final
22 decree and to pay for said plant and property in accordance
23 therewith.

Sect. 9. All valid contracts now existing between the Wat-
2 erville Water Company or the Maine Water Company and
3 any persons or corporations for supplying water within said
4 district and said towns of Benton and Winslow shall be as-
5 sumed and carried out by said Kennebec water district.

Sect. 10. For accomplishing the purposes of this act said
2 water district through its trustees is authorized to issue its

3 bonds to an amount sufficient to procure funds to pay ex-
4 penses incurred in acquisition of the property of said Maine
5 Water Company and the purchase thereof and to secure a new
6 source of supply. Said bonds shall be a legal obligation of
7 said water district, which is hereby declared to be a quasi
8 municipal corporation within the meaning of Section 55,
9 Chapter 46 of the Revised Statutes, and all the provisions of
10 said section shall be applicable thereto.

Sect. 11. All individuals, firms and corporations, whether
2 private, public or municipal, shall pay to the treasurer of
3 said district the rates established by said board of trustees
4 for all water used by them, and said rates shall be uniform in
5 their application within the district. Said rates shall be so
6 established as to provide revenue for the following purposes:

1. To pay the current running expenses for maintaining
8 the water system and provide for such extensions and renew-
9 als as may become necessary.

2. To provide for payment of interest on the indebtedness
11 of the district.

3. To provide each year a sum equal to not less than one,
13 nor more than three per cent. of the entire indebtedness of the
14 district, which sum shall be turned into a sinking fund to
15 provide for the final extinguishment of the funded debt. The
16 money set aside for the sinking fund shall be devoted to retire-
17 ment of the district's obligations or invested in such securi-
18 ties as savings banks are allowed to hold.

4. If any surplus remain at the end of the year it shall be
20 divided between the municipalities composing the district in
21 the same proportions as each contributed to the gross earn-
22 ings of the district's water system, and in order that these pro-
23 portions may be readily determined, all money received for
24 water in each of said municipalities shall be entered in sep-
25 arate accounts so that the total amount thereof can be easily
26 ascertained.

Sect. 12. The property of said district shall be exempt
2 from taxation.

Sect. 13. All incidental powers, rights and privileges
2 necessary to the accomplishment of the main object herein set
3 forth are granted to the corporation hereby created.

Sect. 14. This act shall take effect whenever approved by
2 majority votes of the city of Waterville and the Fairfield Vil-
3 lage Corporation at legal meetings called under the provisions
4 of the charters of said places. This act shall take effect when
5 approved by the Governor so far as necessary to empower the
6 calling of said meetings.

Sect. 15. Sections two, three and four of this act shall be
2 inoperative, null and void, unless the said water district shall
3 first acquire by purchase, or by exercise of the right of emi-
4 nent domain as in this act provided, the plant, property, fran-
5 chises, rights and privileges now held by the Maine Water
6 Company within said district and said towns of Benton and
7 Winslow.

Sect. 16. All costs and expenses arising under the provis-
2 ions of this act shall be paid as directed by the court.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 28, 1899.

Reported by Mr. PHILBROOK of Waterville, from Committee on
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*