

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 447

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to incorporate the Van Buren Water District.

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

Section 1. The following described territory, and the  
2 people within the same, namely: so much of the town of Van  
3 Buren, in the county of Aroostook, as is bounded as follows,  
4 viz.:—on the easterly side by the easterly line of Township  
5 M., Range Two, W. E. L. S., (Van Buren) from the St.  
6 John river to the rear line of the river lots in said Van Buren;  
7 on the northeasterly by the Saint John river; on the south-  
8 westerly by the rear line of the river lots, so called, and on  
9 the northwesterly by the southeasterly line of the homestead  
10 farm of Victorie Cyr;—so as to include all of the territory  
11 of the river lots, so called, in Van Buren from the line

12 between Van Buren and Hamlin on the easterly up to the  
13 southeasterly line of the homestead farm of said Victorie  
14 Cyr, shall constitute a body politic and corporate under the  
15 name of the Van Buren Water District, for the purpose of  
16 supplying the inhabitants of said district, and likewise of the  
17 remaining portion of said town of Van Buren, and those of  
18 Hamlin aforesaid, with pure water for domestic and municip-  
19 al purposes.

Sect. 2. Said water district is hereby authorized for the  
2 purposes aforesaid to take and hold sufficient water of the  
3 Violette Brook stream and its tributaries, and may take and  
4 hold by purchase or otherwise any land or real estate neces-  
5 sary for erecting dams, power, reservoirs, or for preserving  
6 the purity of the water and watershed, and for laying and  
7 maintaining aqueducts for taking, discharging and disposing  
8 of water.

Sect. 3. Said water district shall be liable for all damages  
2 that shall be sustained by any person or corporation in their  
3 property by the taking of any land whatsoever, or water, or  
4 by flowage, or by excavating through any land for the pur-  
5 pose of laying pipes, building dams or constructing reser-  
6 voirs. If any person sustaining damage as aforesaid and  
7 said corporation shall not mutually agree upon the sum to  
8 be paid therefor, such person may cause his damages to be  
9 ascertained in the same manner and under the same con-  
10 ditions, restrictions and limitations as are or may be pre-  
11 scribed in the case of damages by the laying out of high-  
12 ways.

Sect. 4. Said water district is hereby authorized to lay in  
2 and through the streets and highways thereof and of the  
3 remaining portion of said town of Van Buren and of Hamlin  
4 plantation, and to take up, repair and replace all such pipes,  
5 aqueducts and fixtures as may be necessary for the objects  
6 above set forth, and whenever said district shall lay any

7 pipes or aqueducts in any street or highway it shall cause the  
8 same to be done with as little obstruction as possible to the  
9 public travel, and shall at its own expense without unneces-  
10 sary delay cause the earth and pavement removed by it to  
11 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 three members, to  
3 be chosen by ballot by the legal voters within said water dis-  
4 trict, the first election to be at the meeting of the legal voters  
5 of the said corporation to be called to accept this act, one to  
6 serve until the annual meeting to be held in 1906, one to serve  
7 until the annual meeting to be held in 1907, and one to serve  
8 until the annual meeting in 1908. Whenever the term of  
9 office of a trustee shall expire the legal voters of the said  
10 water district shall elect a successor to serve for a full term  
11 of three years, and if any other vacancy occur it may be  
12 filled in like manner for the unexpired term. The annual  
13 election of officers shall be in the month of March. As soon  
14 as convenient after the board of trustees has been chosen, the  
15 said trustees shall hold a meeting at the office of the select-  
16 men in the town of Van Buren, and organize by the election  
17 of a chairman and clerk, adopt a corporate seal, and, when  
18 necessary, may choose a treasurer and all other needful offi-  
19 cers and agents for the proper management of the affairs of  
20 said water district. Said trustees may procure an office and  
21 incur such expenses as may be necessary. Each member  
22 shall receive in full compensation for his services an allow-  
23 ance of fifty (50) dollars per year, or such other less sum  
24 as the said water district at any legal meeting may prescribe.

The said water district, at any legal meeting thereof, called  
26 for the purpose, may adopt such by-laws and provisions, not  
27 inconsistent with the laws and constitution of this State and  
28 the United States, as they may deem expedient and necessary  
29 for the better government and regulation of the municipal

30 affairs within said water district, in which case such by-laws  
31 and provisions so adopted, shall extend to said water district  
32 as fully, to all intents and purposes, as the other provisions  
33 of this act, subject only to alterations or additions by a two-  
34 thirds vote, at a legal meeting of the water district called for  
35 the purpose.

Sect. 6. Said water district is hereby authorized and  
2 empowered to acquire by purchase or by the exercise of the  
3 right of eminent domain, which right is hereby expressly  
4 delegated to said water district for said purpose, the entire  
5 plant, property and franchises, rights and privileges now  
6 held by the Van Buren Water Company within said district  
7 and the remaining portion of said town of Van Buren, includ-  
8 ing all lands, waters, water rights, dams, reservoirs, pipes,  
9 machinery, fixtures, hydrants, tools and all apparatus and  
10 appliances owned by said company and used or usable in  
11 supplying water in said water district and town of Van  
12 Buren and any other real estate in said water district.

Sect. 7. In case said trustees fail to agree with said Van  
2 Buren Water Company upon the terms of purchase of the  
3 above mentioned property on or before June first, nineteen  
4 hundred and five, said water district through its trustees is  
5 hereby authorized to take said plant, property and franchises  
6 as for public uses by petition therefor in the manner herein-  
7 after provided. And said water district through its trustees  
8 is hereby authorized on or before June fifth, nineteen hundred  
9 and five, to file a petition in the clerk's office of the supreme  
10 judicial court for the county of Aroostook, in term time or  
11 in vacation, addressed to any justice of said court, who after  
12 notice to said Van Buren Water Company and its mort-  
13 gagees, shall after hearing and within thirty days after the  
14 filing of said petition appoint three disinterested appraisers,  
15 none of whom shall be residents of the county of Aroostook,

16 one of whom shall be learned in the law, for the purpose of  
17 fixing the valuation of said plant, property and franchises.  
18 The said appraisers shall have the power of compelling  
19 attendance of witnesses and the production of books and  
20 papers pertinent to the issue, and may administer oaths; and  
21 any witness, or person in charge of such books or papers,  
22 refusing to attend, or to produce the same, shall be subject  
23 to the same penalties and proceedings so far as applicable as  
24 witnesses summoned to attend the supreme judicial court.  
25 The appraisers so appointed shall after due notice and hear-  
26 ing fix the valuation of said plant, property and franchises  
27 at what they are fairly and equitably worth, so that the said  
28 Van Buren Water Company shall receive just compensation  
29 for all the same. The first day of July, nineteen hundred  
30 and five, shall be the date as of which the valuation aforesaid  
31 shall be fixed, from which day, interest on said award shall  
32 run, and all net rents and profits accruing thereafter shall  
33 belong to said water district. The report of said appraisers  
34 or of a majority of them, shall be filed in said clerk's office  
35 in term time or vacation within five months after their  
36 appointment, and such single justice or in case of his inability  
37 to act then, any justice designated for the purpose by the  
38 chief justice, may, after notice and hearing, confirm or reject  
39 the same, or recommit it if justice so requires. The award  
40 of the appraisers shall be conclusive as to valuations. Upon  
41 the confirmation of said report the court so sitting shall  
42 thereupon, after hearing, make final decree upon the entire  
43 matter, including the application of the purchase money, dis-  
44 charge of incumbrances and transfer of the property, juris-  
45 diction over which is hereby conferred, with the same power  
46 to enforce said decree as in equity cases. Upon request of  
47 either party the justice so making such final decree shall make  
48 separate findings of law and fact. All such findings of fact

49 shall be final, but either party aggrieved may take exceptions  
50 to any rulings of law so made, the same to be accompanied  
51 only by such parts of the case as are necessary to a clear  
52 understanding of the questions raised thereby. Such excep-  
53 tions shall be claimed on the docket within ten days after  
54 such final decree is signed, entered and filed, and notice  
55 thereof has been given by the clerk to the parties or their  
56 counsel, and said exceptions so claimed shall be made up,  
57 allowed and filed within said time unless further time is  
58 granted by the court or by agreement of parties. They shall  
59 be entered at the next term of the law court to be held after  
60 the filing of said decree, and there heard, unless otherwise  
61 agreed, or the law court shall for good cause order a further  
62 time for hearing thereon. Upon such hearing the law court  
63 may confirm, reverse or modify the decree of the court below,  
64 or remand the cause for further proceedings as it seems  
65 proper. During the pendency of such exceptions the cause  
66 shall remain on the docket of the court below marked "law"  
67 and decree shall be entered thereon by a single justice in term  
68 time or in vacation, in accordance with the certificate and  
69 opinion of the law court. Before said plant, property and  
70 franchises are transferred in accordance with such final  
71 decree, and before the payment therefor, the court sitting in  
72 said county of Aroostook, by a single justice thereof as here-  
73 inbefore provided, shall, upon motion of either party, after  
74 notice and hearing, take account of all receipts and expendi-  
75 tures properly had or incurred by the Van Buren Water Com-  
76 pany belonging to the period from and after July first, nine-  
77 teen hundred and five, and all the net rents and profits accru-  
78 ing thereafter, and shall order the net balance due to either  
79 party to be added to or deducted from the amount to be paid  
80 under said final decree, as the case may be. All findings of  
81 law or fact by such single justice at such hearing shall be  
82 final. On payment or tender by said water district of the

83 amount so fixed and the performance of all other terms and  
84 conditions so imposed by the court, said entire plant, prop-  
85 erty and franchises shall become vested in said water district  
86 and be free from all liens, mortgages, and incumbrances  
87 theretofore created by the Van Buren Water Company.  
88 After the filing of said petition it shall not be discontinued or  
89 withdrawn by said water district, and the said Van Buren  
90 Water Company may thereafterwards on its part cause said  
91 valuation to be made as herein provided, and shall be entitled  
92 to appropriate process to compel said water district to per-  
93 form the terms of the final decree, and to pay for said plant,  
94 property and franchises in accordance therewith.

Sect. 8. All valid contracts now existing between the Van  
2 Buren Water Company and any persons or corporations for  
3 supplying water within said water district and the remaining  
4 portion of said town of Van Buren and Hamlin plantation,  
5 shall be assumed and carried out by said Van Buren Water  
6 District.

Sect. 9. 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 the  
4 expenses incurred in the acquisition of the property of said  
5 Van Buren Water Company, and the purchase thereof, and  
6 to secure a new source of supply, or the improvement of the  
7 present supply, and to make such extensions of the present  
8 system as the interests of the said water district shall demand.  
9 Said bonds shall be a legal obligation of said water district,  
10 which is hereby declared to be a quasi-municipal corporation  
11 within the meaning of section ninety-six, chapter forty-seven  
12 of the Revised Statutes, and all the provisions of said section  
13 shall be applicable thereto. The said bonds shall be a legal  
14 investment for savings banks.

Sect. 10. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of said



3 water district the rates established by said board of trustees  
4 for the water used by them, and said rates shall be uniform  
5 within the territory supplied by the water district. Said  
6 rates shall be so established as to provide revenue for the  
7 following purposes:

1. To pay the current running expenses for maintaining  
9 the water system and provide for such extensions and  
10 renewals as may become necessary.

2. To provide for payment of the interest on the indebted-  
12 ness of the water district.

3. To provide each and every year after April tenth, nine-  
14 teen hundred and ten, a sum equal to not less than one-half  
15 of one per cent nor more than three per cent, and after April  
16 tenth, nineteen hundred and fifteen, a sum equal to not less  
17 than one per cent nor more than three per cent of the entire  
18 indebtedness of the water district, which sum shall be turned  
19 into a sinking fund to provide for the final extinguishment  
20 of the funded debt. The money set aside for the sinking  
21 fund shall be devoted to the retirement of the obligations of  
22 the water district or invested in such securities as savings  
23 banks are allowed to hold.

4. If in any year there remain a surplus at the end of the  
25 year, the amount of such surplus shall be deducted from the  
26 hydrant rental paid to the district by the town of Van Buren,  
27 and if in any year there be a deficit, the water district may  
28 raise by assessment such sum of money as may be necessary  
29 and sufficient to liquidate such deficit.

Any money raised by said water district for the purpose  
31 aforesaid, shall be assessed upon the property and polls within  
32 the aforesaid territory, by the trustees of said corporation,  
33 in the same manner as is provided by law for the assessment  
34 of county and town taxes; and said trustees may copy the  
35 last valuation of said property by the assessors of the town  
36 of Van Buren, and assess the taxes thereon if said water dis-

37 trict shall so direct, and may abate any tax by them so  
38 assessed, the tax on polls not to exceed, at any one assess-  
39 ment, the sum of one dollar to any one person in any one  
40 year.

5. Upon a certificate being filed with the trustees of said  
42 water district by the clerk thereof, of the amount of money  
43 raised at any meeting for the purpose aforesaid, it shall be  
44 the duty of said trustees, as soon as may be, to assess said  
45 amount upon the estates and polls of persons residing on the  
46 territory aforesaid, and upon the estates of non-resident pro-  
47 prietors thereof, and the trustees to certify and deliver to the  
48 treasurer of said water district, whose duty it shall be to col-  
49 lect the same in like manner as county and town taxes are,  
50 by law, collected by towns, and said water district shall have  
51 power to direct the mode of collecting said taxes as towns  
52 have in the collection of town taxes.

Sect. 11. All the incidental powers, rights and privileges  
2 necessary to the accomplishment of the main object herein  
3 set forth are granted to the corporation hereby created.

Sect. 12. This act shall take effect when accepted by a  
2 majority vote of the legal voters within said water district,  
3 voting at a meeting to be specially called and held for the  
4 purpose on or before the first day of May, nineteen hundred  
5 and five, and Peter C. Keegan, A. J. Dubay, and Allan E.  
6 Hammond, or either of them, are hereby authorized to call  
7 said meeting. The board of registration shall make and pro-  
8 vide a separate check list for such of the voters within said  
9 water district as are then legal voters of said town, and all  
10 warrants issued to said town shall be varied accordingly to  
11 show that only such voters therein are entitled to vote there-  
12 on. Such special meeting shall be called, advertised, and  
13 conducted according to the law relating to municipal election,  
14 provided, however, that the board of registration shall not

15 be required to prepare or the town clerk to post a new list  
16 of voters, and for this purpose said board shall be in session  
17 the three secular days next preceding such election, the first  
18 two days thereof to be devoted to registration of voters and  
19 the last day to enable the boards to verify the corrections of  
20 said lists and to complete and close up its records of said  
21 sessions. The town clerk shall reduce the subject matter  
22 of this act to the following question: "Shall the act to incor-  
23 porate the Van Buren Water District be accepted?" and the  
24 voters shall indicate by a cross placed against the words  
25 "yes" and "no" their opinion of the same. The result shall  
26 be declared by the selectmen of Van Buren, and due certifi-  
27 cate thereof filed by the town clerk with the secretary of  
28 state. This act shall take effect when approved by the gov-  
29 ernor, so far as necessary to empower the calling and holding  
30 of such meeting.

Sect. 13. 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 the exercise of the right of  
4 eminent domain as this act provides, the plant, property and  
5 franchises, rights, and privileges now held by the Van Buren  
6 Water Company within said district and the remaining por-  
7 tion of the town of Van Buren and Hamlin plantation.

Sect. 14. All costs and expenses arising under the pro-  
2 visions of this act shall be paid and borne as directed by the  
3 court in the final decree provided by section seven.

Sect. 15. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 9, 1905.

Reported by Mr. HOLMES from Committee on Legal Affairs and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*