

# 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.

---

---

# SEVENTY-SECOND LEGISLATURE

---

---

HOUSE.

No. 449

---

---

## STATE OF MAINE.

---

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

---

AN ACT to incorporate the Bangor Water District.

---

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

Section 1. The present and future inhabitants of the following described portion of the city of Bangor in the county of Penobscot are hereby constituted a body politic and corporate by the name of "Bangor Water District," for the public purpose of supplying the aforesaid inhabitants of said district with pure water for domestic, sanitary and municipal purposes, and said territory shall constitute the territory of said district, and is bounded and described as follows, viz.:

Beginning on the division line between said Bangor and the town of Veazie where it touches the Penobscot river; thence northerly on said division line to the road leading from Still-

12 water avenue to said Veazie; thence northwesterly by said  
13 road to its junction with said Stillwater avenue; thence in  
14 a westerly direction to the junction of the Burleigh road with  
15 Essex street; thence southwesterly by said Burleigh road and  
16 the Strickland road to Kenduskeag avenue; thence north-  
17 westerly by said Kenduskeag avenue to its junction with the  
18 Griffin road; thence by said Griffin road across the Kendus-  
19 keag stream under Merrill's bridge, so called, to its junction  
20 with the Fuller road; thence on the same course by the Cram  
21 road to its junction with the Cooper road; thence southerly  
22 by said Cooper road to its junction with Hammond street;  
23 thence southerly and parallel with the division line between  
24 said Bangor and the town of Hermon to the division line  
25 between said Bangor and the town of Hampden; thence east-  
26 erly and southeasterly by said division line to the Penobscot  
27 river; thence up said river to the place of beginning.

Sect. 2. All the powers, duties, management and control  
2 of said corporation are vested in a board of five trustees, all  
3 of whom shall be residents of said district, but no person  
4 holding any municipal office in said Bangor shall be eligible  
5 as such trustee. Said trustees shall be elected by the municipi-  
6 pal officers of Bangor as follows: After the approval of this  
7 act by the governor and immediately after its acceptance by  
8 the qualified voters within said district, as hereinafter pro-  
9 vided, all five trustees shall be elected, one to serve for one  
10 year, one for two years, one for three years, one for four  
11 years, and one for five years, respectively, from the first day  
12 of May in the year of their election, and thereafter one trus-  
13 tee shall be elected annually to serve for five years from the  
14 first day of May in the year of his election. All vacancies  
15 in said board shall at once be filled by said municipal officers  
16 for the unexpired term of the trustee so vacating.

Said board of trustees shall at once upon their election  
18 choose a president, clerk and treasurer of said corporation,

19 and may elect all other necessary officers, and shall have  
20 the power to appoint all necessary subordinate officers, or  
21 employees, and fix their respective salaries or wages, and  
22 shall adopt a code of by-laws for their own government and  
23 for the government of the affairs of the corporation. Said  
24 trustees shall receive no compensation whatever.

Sect. 3. Except for the presentation of the question of the  
2 acceptance of this charter, as hereinafter provided, this act  
3 shall have no force or effect until it has been accepted by  
4 legal vote in favor thereof constituting at least a majority of  
5 all the legal votes cast by the qualified voters residing within  
6 the limits of said district, voting in their several wards at a  
7 special election to be called, notified, warned, conducted, cer-  
8 tified and declared as in regular municipal elections in said  
9 city of Bangor.

The board of registration shall prepare and furnish sepa-  
11 rate check lists for the several wards for such of the voters  
12 within said district as are then legal voters of said city and  
13 reside in that part of said several wards as is embraced in  
14 said district, and all notices, warrants or other proceedings  
15 shall be varied accordingly so as to show that only such  
16 voters as reside in said district as aforesaid are entitled to  
17 vote upon the above question, but, other than as above pro-  
18 vided, said board of registration shall not be required to pre-  
19 pare, or the city clerk to post, new lists of voters. The board  
20 of registration shall be in session the three secular days next  
21 preceding said election, the first two days thereof to be  
22 devoted to the registration of voters, and the last day thereof  
23 to enable the board to verify the correctness of said lists and  
24 to complete and close up its records of said sessions. The  
25 city clerk shall prepare and furnish the necessary ballots and  
26 shall reduce the subject matter of this act to the following  
27 question: "Shall the act to incorporate Bangor Water Dis-  
28 trict be accepted?" And the voters shall indicate by a cross

29 placed against the words "Yes" or "No" their votes upon the  
30 question. The result shall be declared as aforesaid and due  
31 certificate thereof filed by the city clerk with the secretary of  
32 state.

In the first instance such special election may be called, noti-  
34 fied and warned by the municipal officers of the city of Ban-  
35 gor, and shall be called, notified and warned by them and  
36 held upon request in writing presented to the city clerk of  
37 Bangor and signed by at least two hundred qualified voters  
38 residing within said district, but if said act shall not be  
39 accepted, no subsequent special election shall be had unless  
40 the city government of Bangor shall vote in favor of holding  
41 the same for the purpose aforesaid.

Sect. 4. Except as above provided this act shall be of no  
2 validity or effect until at least two-thirds of the qualified  
3 voters of said Bangor, voting at any regular or special elec-  
4 tion held for the purpose, shall vote in favor of granting to  
5 said Bangor Water District the water works plant of said  
6 city of Bangor, its dam, pumping station, and all machinery,  
7 tools and paraphernalia therein, its land and buildings con-  
8 nected therewith, mains and other pipes and pipe lines, its  
9 standpipe or water tower and the lot on which the same  
10 stands, and all other property, real or personal, and of every  
11 description, wherever the same may be situate, used in con-  
12 nection with or in the operation of said water works plant,  
13 excepting, however, the electric light plant at said pumping  
14 station, and the machinery, tools and paraphernalia used in  
15 connection therewith (said exception not to include any  
16 machinery used in connection with the pumping of water.)

The city clerk shall prepare and furnish the necessary bal-  
18 lots and shall reduce the subject matter of such vote to the  
19 following question: "Shall the city grant its water works  
20 system to Bangor Water District?" And the voters shall

21 indicate by a cross placed against the words "Yes" or "No"  
22 their vote upon the question.

In case of such special election, it shall be called, notified,  
24 warned, conducted, certified and declared in the same manner  
25 as is above provided in regard to the special election for the  
26 acceptance of this charter, excepting only that the voters on  
27 this question shall include all the qualified voters in said city  
28 of Bangor.

In the first instance such special election may be called, noti-  
30 fied and warned by the municipal officers of Bangor and shall  
31 be called, notified and warned by them and held upon the  
32 request in writing of the trustees of said Bangor Water Dis-  
33 trict, or of at least two hundred qualified voters residing in  
34 said city, presented to the city clerk, but no subsequent special  
35 election shall be held unless the city government of Bangor  
36 vote in favor thereof.

The declaration of the vote aforesaid in favor of such propo-  
38 sition shall constitute a grant of all the property aforesaid  
39 and the title thereto shall at once pass to and vest in said  
40 Bangor Water District, and as the consideration therefor the  
41 trustees of said district shall at once and before entering into  
42 the possession thereof, by instrument in writing under their  
43 hands and under the seal of said corporation, assume and  
44 agree to pay on or before maturity, all the indebtedness of  
45 said city of Bangor then incurred on account of said water  
46 works system, both principal and interest, and in accordance  
47 with the terms of the obligation of said city; and to at once  
48 take over the possession, management and control of said  
49 water works system, and to operate and continue to operate,  
50 and to keep the same in repair and in good working order;  
51 and to furnish said city at or near said pumping station with  
52 proper facilities to house its electric light plant and the  
53 machinery aforesaid, and to at all times furnish sufficient  
54 water power to operate the same, so far as the facilities of

55 the present dam will allow, excepting only when such power  
56 is needed to operate the water works plant.

Sect. 5. As soon as the title to said water works plant shall  
2 have passed to said district as aforesaid, said corporation shall  
3 have the power and it shall be its duty to secure for the bene-  
4 fit of the inhabitants of said district an entirely new source  
5 of water supply for the purposes aforesaid; and to this end  
6 it shall have the power, by right of eminent domain as here-  
7 inafter provided, (which right is hereby expressly delegated  
8 to said corporation) or otherwise, to take and hold the waters  
9 of Phillips lake in the town of Dedham and county of Han-  
10 cock, and any of its tributaries, and the waters of any lakes  
11 or ponds in that vicinity that may be necessary or convenient  
12 as auxiliary sources of supply in addition to said Phillips  
13 lake for the uses and purposes of said corporation, and the  
14 waters of their tributaries; or the waters of Holbrook and  
15 Davis ponds (being connecting ponds) in the town of Holden  
16 in the said county of Penobscot, and the waters of any of  
17 their tributaries, and the waters of any lakes or ponds in that  
18 vicinity that may be necessary or convenient as auxiliary  
19 sources of supply in addition to said Holbrook and Davis  
20 ponds for the uses and purposes of said corporation; or the  
21 waters of Brewer pond (otherwise known as "Hines" pond)  
22 situate partly in the town of Bucksport in said Hancock  
23 county, and partly in the towns of Orrington and Holden in  
24 said Penobscot county, and the waters of its tributaries and  
25 the waters of any lakes or ponds in that vicinity that may  
26 be necessary or convenient as auxiliary sources of supply in  
27 addition to said Brewer pond for the uses and purposes of  
28 said corporation; and to erect dams, build piers or other  
29 structures necessary for the operation of said corporation's  
30 plant, and to raise the head of water in any of said lakes or  
31 ponds or their tributaries necessary to form reservoirs to  
32 hold sufficient supply for said corporation's purposes, and

33 to take and hold so much of the water sheds of any of said  
34 lakes or ponds and any of their tributaries aforesaid as may  
35 be necessary to preserve the purity of said corporation's  
36 water supply; and conduct any of the aforesaid waters by  
37 aqueducts or pipe lines in and along any highway and in  
38 and over any lands and across said Penobscot river to a point  
39 at or near the present pumping station at the "Water Works  
40 dam," so called, situated in said Bangor; and to that end,  
41 by right of eminent domain (which right is hereby expressly  
42 delegated to said corporation), or otherwise, to take, acquire  
43 and hold any lands, easements or other rights that may be  
44 necessary to conduct said waters as aforesaid, said right of  
45 eminent domain to be exercised as hereinafter provided.

Said corporation is also empowered, by right of eminent  
47 domain (which is hereby expressly delegated to it), or  
48 otherwise, to take and hold any convenient lands for the pur-  
49 poses of a reservoir to hold said waters, or for a filter plant  
50 to filter the same, and such as may be necessary for the main-  
51 tenance and use of such reservoir or filter.

Any person, firm or corporation legally entitled to and suf-  
53 fering any damage by reason of the aforesaid rights granted  
54 to said corporation, shall receive from said corporation just  
55 compensation therefor, as hereinafter provided.

Said corporation shall cause to be prepared and file a plan  
57 and description of the lands, easements, waters and other  
58 rights to be taken as aforesaid with the county commissioners  
59 of the several counties where the same are situate, and the  
60 clerks of their respective boards shall endorse the time of  
61 filing thereon and record the description of said location and  
62 preserve such plan, and the filing of such plan and descrip-  
63 tion as aforesaid shall be deemed and treated and constitute  
64 a taking of the property therein described as aforesaid, and  
65 the legal owners thereof shall be entitled to receive just com-  
66 pensation therefor in the manner hereinafter provided.



If said corporation by said location fails to acquire the prop-  
68 erty therein described, or the location as recorded is defective  
69 or uncertain, it may at any time correct and perfect such  
70 location and file a new description thereof; and in such case  
71 it is liable in damages by reason of such new or amended  
72 location only for property embraced therein for which the  
73 owner had not previously been paid.

Sect. 6. For the property so taken as aforesaid the owners  
2 are entitled to damages to be paid by said corporation and  
3 estimated by the county commissioners of the several coun-  
4 ties where the same is located, on written application of either  
5 party made within one year after the filing of the description  
6 and location as aforesaid, in the manner and with the rights  
7 as are provided in the Revised Statutes, chapter 51, sections  
8 31 and 32, so far as the same can be made applicable hereto.  
9 Section 35 of said chapter in regard to the commissioners'  
10 report of damages and expenses of the proceedings, section  
11 36 in regard to the right of appeal and proceedings there-  
12 under, section 37 in regard to the deposit of damages and  
13 interest, section 38 in regard to injunction proceedings and  
14 the rights thereunder, section 39 in regard to the service of  
15 process, and section 40 in regard to proceedings for breach  
16 of injunction, so far as the same can be, are made applicable  
17 to the proceedings under this act and shall constitute the  
18 method of procedure hereunder.

The State shall not demand or receive any consideration for  
20 the use of any of the waters of any of the aforesaid lakes  
21 or ponds of more than ten acres in extent known as "Great  
22 ponds."

Said corporation is empowered to maintain all the present  
24 pipe lines in the streets, highways, parks and squares of said  
25 Bangor, or wherever else in said city the same are now legally  
26 placed; and all hydrants and other fixtures connected with  
27 said pipe lines or hydrants; to replace, reconstruct or repair

28 all of the same, or to lay new pipes, set new hydrants and  
29 other fixtures necessary in the streets, highways, parks or  
30 squares of said city, or wherever else in said city the same  
31 can be legally located, when deemed necessary or desirable,  
32 and may do all necessary acts and things in said streets, high-  
33 ways, parks or squares, or elsewhere in said city if legal, for  
34 the aforesaid purposes. Subject, however, to such ordi-  
35 nances or regulations of said city as now exist or which may  
36 hereafter be passed or made by said city and applicable  
37 hereto.

As an incident to the powers of said corporation it may  
39 supply persons, firms or corporations residing or located  
40 beyond the limits of said district with water when and on  
41 such terms as said board of trustees may determine. and for  
42 this purpose said corporation shall have the same rights and  
43 powers and be subject to the same duties and obligations in  
44 the streets, highways, parks and squares, or elsewhere, in the  
45 territory situate outside of said district as is provided herein  
46 in the case of the territory within said district.

Sect. 7. For accomplishing the purposes of this act, said  
2 water district through its trustees aforesaid, is authorized to  
3 issue its bonds to an amount sufficient to procure funds to  
4 carry out the purposes of this act and secure a new source of  
5 water supply, and for the further extension, addition and  
6 improvement of the present water works plant, and including  
7 the guaranty and payment of the indebtedness of the city of  
8 Bangor on account of its water works system, both principal  
9 and interest, and to take up said indebtedness, all in accord-  
10 ance with the terms and provisions hereinbefore set forth.

Said bonds shall be a legal obligation of said water district,  
12 which is hereby declared to be a quasi municipal corporation  
13 within the meaning of section 96 of chapter 47 of the Revised  
14 Statutes, and all the provisions of said section shall be

15 applicable thereto. Said bonds shall be a legal investment  
16 for savings banks.

Sect. 8. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of said  
3 corporation the rates established by its board of trustees  
4 aforesaid for the water used by them, and said rates shall be  
5 uniform within the territory of said district. Said rates shall  
6 be so established as to provide revenue for the following  
7 purposes:

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

(2) To provide for payment of the interest on the indebted-  
12 edness of the district, including the interest on the city of  
13 Bangor water loan bonds aforesaid, and interest on said  
14 city's indebtedness on account of its water works as afore-  
15 said.

(3) To provide each year a sum equal to not less than one  
17 nor more than five per cent of the entire indebtedness of the  
18 district, including the aforesaid indebtedness of said city of  
19 Bangor, which sum shall be turned into a sinking fund to  
20 provide for the final extinguishment of the funded debt of  
21 said corporation, including the aforesaid funded debt of said  
22 city. The money set aside for the sinking fund shall be  
23 devoted to the retirement of the obligations of said district or  
24 of the said city of Bangor as aforesaid, or invested in such  
25 securities as savings banks are allowed to hold.

(4) If any surplus remains at the end of the year it may  
27 be paid to said city of Bangor.

Sect. 9. Said city of Bangor may, at any time when it can  
2 legally do so, take over the plant, property and system of said  
3 corporation upon guaranteeing to said corporation the pay-  
4 ment of all its indebtedness and obligations then outstanding,  
5 and in such event said city shall be under the legal obliga-

6 tion to said corporation to pay all of said indebtedness and  
7 obligations of said corporation and shall have the power to  
8 and shall thenceforth operate said water works system, have  
9 all the rights and privileges of said corporation and shall be  
10 under all its duties and obligations, and shall hold said corpo-  
11 ration harmless from all liability whatsoever on account of  
12 said water works system or the operation thereof. Provided,  
13 however, that said city shall not so acquire said water works  
14 system until at least two-thirds of the qualified voters in said  
15 city, voting at any regular municipal or special election held  
16 for the purpose, shall have voted in favor thereof, and the  
17 declaration of such vote shall constitute a transfer of all said  
18 property and said city shall at once execute and deliver a  
19 proper instrument of guaranty and agreement to said corpo-  
20 ration to effect the foregoing result.

Sect. 10. No such trustee nor any firm or corporation of  
2 which he is a member or by whom he is employed shall enter  
3 into any contract with said corporation or sell to said corpo-  
4 ration any tools, machinery or material to be used in the  
5 construction, repair or maintenance of the present or future  
6 property of said corporation, and all such contracts or sales  
7 shall be absolutely void.

Sect. 11. The trustees of said Bangor Water District shall,  
2 at the beginning of each municipal year of said city of Ban-  
3 gor, present to the incoming city government of said city a  
4 detailed report for the past municipal year of their doings,  
5 of the receipts and expenditures of said water district, of its  
6 financial and physical condition, and of such other matters  
7 and things pertaining to said corporation as shall show the  
8 inhabitants of said district how said trustees are fulfilling the  
9 duties and obligations of their trust.

Sect. 12. All incidental powers, rights and privileges neces-  
2 sary to the accomplishment of the main object herein set

3 forth are granted to the corporation hereby created.

Sect. 13. Except as above provided, this act shall take  
2 effect when approved.

---

HOUSE OF REPRESENTATIVES,

Augusta, March 9, 1905.

Reported by Mr. NEWCOMB from Committee on Judiciary and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*