

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 21

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## STATE OF MAINE.

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

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AN ACT to incorporate the Portland Water District.

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

Section 1. Subject to the provisions of section eighteen  
2 hereof, the territory and people constituting the city of  
3 Portland, the city of Westbrook and the city of South Port-  
4 land shall constitute a public municipal corporation under  
5 the name of the Portland Water District for the purpose  
6 of supplying the inhabitants of said cities and the towns of  
7 Standish, Windham, Cape Elizabeth and Scarborough and said  
8 municipalities with pure water for domestic, sanitary and  
9 municipal purposes.

Sect. 2. The said District, for the purposes of its incor-  
2 poration, is hereby authorized to take, hold, divert, use and  
3 distribute water from Sebago Lake.

Sect. 3. The said District, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

Sect. 4. The said District is hereby authorized to lay in and through the streets, roads, ways and highways of the cities and towns named in section one and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

Sect. 5. The said District is hereby authorized, for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes.

Sect. 6. In exercising any right of eminent domain conferred upon it by law, from time to time, or any right of

3 eminent domain through or under the franchises of any  
4 water company by it acquired, the said District shall file  
5 in the office of the county commissioners of Cumberland  
6 county and record in the registry of deeds in said county  
7 plans of the location of all lands or interests therein or  
8 water rights, to be taken, with an appropriate description  
9 and the names of the owners thereof, if known. When for  
10 any reason the District fails to acquire the property author-  
11 ized to be taken, and which is described in such location,  
12 or the location recorded is defective or uncertain, it may,  
13 at any time, correct and perfect such location and file a  
14 new description thereof, and in such case the District is  
15 liable in damages only for property for which the owner  
16 had not previously been paid, to be assessed as of the time  
17 of the original taking and the District shall not be liable  
18 for any acts which would have been justified if the original  
19 taking had been lawful. No entry shall be made on any  
20 private lands, except to make surveys, until the expiration  
21 of ten days from such filing, whereon possession may be  
22 had of all said lands or interests therein or water rights so  
23 taken, but title thereto shall not vest in said District until  
24 payment therefor.

Sect. 7. If any person, sustaining damages by any taking  
2 as aforesaid, shall not agree with said District upon the sum  
3 to be paid therefor, either party, upon petition to the County  
4 Commissioners of Cumberland County, may have said dam-  
5 ages assessed by them; the procedure and all subsequent  
6 proceedings and right of appeal thereon shall be had under  
7 the same restrictions, conditions and limitations as are or

8 may be by law prescribed in the case of damages by the  
9 laying out of highways.

Sect. 8. In case of any crossing of a railroad, unless con-  
2 sent is given by the company owning or operating such  
3 railroad as to place, manner and conditions of the crossing,  
4 within thirty days after such consent is requested by said  
5 District, the railroad commissioners shall determine the  
6 place, manner and conditions of such crossing; and all work  
7 within the limits of such railroad location shall be done  
8 under the supervision and to the satisfaction of such railroad  
9 company, but at the expense of the District.

Sect. 9. All the affairs of said District shall be managed  
2 by a board of trustees composed of five members. Three  
3 of said trustees shall be elected by the city of Portland in  
4 the manner hereinafter provided. If this act is accepted  
5 by the city of Westbrook, one member of said board shall  
6 be elected by the said city of Westbrook in the manner  
7 hereinafter provided, otherwise such member shall be elected  
8 by the city of Portland in the manner hereinafter provided.  
9 If this act is accepted by the city of South Portland, one  
10 member of said board shall be elected by the city of South  
11 Portland in the manner hereinafter provided, otherwise such  
12 member shall be elected by the city of Portland in the man-  
13 ner hereinafter provided.

Sect. 10. The trustees so to be elected shall be elected  
2 by a plurality vote of the legal voters in each of said cities  
3 accepting this act voting at an election to be specially called  
4 and held therefor on the fourth Monday of April, nineteen  
5 hundred and seven. Such special election shall be called,

6 advertised and conducted according to the law relating to  
7 municipal elections in said cities, except as otherwise pro-  
8 vided herein, provided, however, that the board of regis-  
9 tration in said cities shall not be required to prepare for  
10 posting or the city clerks thereof to post a new list of voters,  
11 but for the purpose of registration of voters said boards  
12 shall be in session the three secular days next preceding  
13 such election. The first two days thereof to be devoted  
14 to registration of voters and the last day to enable the  
15 board to verify the corrections of said lists and to complete  
16 and close up its records of said sessions. All nominations  
17 of candidates so to be voted for shall be made by nomination  
18 papers signed in the aggregate for each candidate by not  
19 less than fifty qualified voters of the city in which he is  
20 named as a candidate. Each voter signing a nomination  
21 paper shall make his signature in person, and add to it his  
22 place of residence, and each voter may subscribe to as many  
23 nominations as there are trustees to be elected in his city  
24 and no more. Such nomination papers shall, before being  
25 filed, be submitted to the city clerk of the city where such  
26 nomination is made, who shall forthwith certify thereon  
27 what number of the signatures are names of qualified voters  
28 in said city; one of the signers to each such separate paper  
29 shall swear to the truth thereof, and the certificate of such  
30 oath shall be annexed to or made upon the nomination papers.  
31 Such nomination papers shall be filed with the city clerk  
32 of the city where such nomination is made at least seven  
33 days, exclusive of Sundays, previous to the day of such  
34 election. With such nomination papers shall also be filed

35 the consent in writing of the person or persons nominated.  
36 All nomination papers, being filed and being in apparent  
37 conformity with the foregoing provisions, shall be deemed  
38 to be valid; and if not in apparent conformity, they may be  
39 seasonably amended under oath. In case any candidate who  
40 has been duly nominated under the provisions hereof shall  
41 die before the day of election, or shall withdraw in writing,  
42 the vacancy may be supplied in the manner herein provided  
43 for such nominations. The name so supplied for the  
44 vacancy shall, if the ballots have not been printed, be placed  
45 on the ballots instead of the original nomination; or, if the  
46 ballots have been printed, new ballots containing the new  
47 nomination shall, if practicable, be furnished, or slips con-  
48 taining the new nomination shall be printed under the direc-  
49 tion of the city clerk, which may be pasted in proper place  
50 upon the ballots and thereafter shall become part and parcel  
51 of said ballots as if originally printed thereon. The ballot  
52 in each city shall contain the names of all candidates so  
53 nominated in such city printed in one column under the  
54 heading, "For Trustees of the Portland Water District."  
55 Above such heading there shall be printed, "Vote for three  
56 (or such number as may be appropriate) trustees. Make  
57 a cross to the right of each name voted for." As many  
58 blank spaces shall be left after the names of the candidates  
59 as there are trustees to be elected, in which the voter may  
60 paste on or by writing insert the name or names of any  
61 person or persons for whom he desires to vote. In prepar-  
62 ing his ballot the voter shall mark a cross (X) against and  
63 to the right of such names on said ballot as he desires to

64 vote for, not to exceed the number of trustees so to be elected  
65 in the city in which he is voting. If the voter shall desire  
66 to vote for any person or persons whose name or names  
67 are not printed on the ballot he may fill in such name or  
68 names in the blank spaces left therefor by writing the same  
69 therein or by using a sticker or stickers containing such  
70 new name or names. Where the voter so adds by writing  
71 or by sticker such new name or names, his vote for such  
72 new name or names shall be counted therefor although he  
73 may fail to mark a cross against the same. The result of  
74 such election in each city shall be declared by the municipal  
75 officers and due certificate thereof filed with the city clerk  
76 thereof. The term of office of the trustees shall begin on  
77 the said fourth Monday of April. As soon as convenient  
78 after all the members of said board have been so chosen,  
79 said trustees shall hold a meeting at the city rooms in the  
80 city of Portland to be called by one of said trustees upon  
81 such reasonable notice therefor as he deems proper. They  
82 shall organize by the election of a president and a clerk,  
83 adopt a corporate seal and when necessary may choose a  
84 treasurer and all other needful officers and agents for the  
85 proper conduct and management of the affairs of said Dis-  
86 trict. They may also ordain and establish such by-laws  
87 as are necessary for their own convenience and the proper  
88 management of the affairs of the District. At said first  
89 meeting the trustees so elected shall determine by lot the  
90 term of office of each trustee so that one trustee shall retire  
91 each year and whenever the term of office of a trustee  
92 expires his successor shall be elected by a plurality vote by



93 the city which elected him and upon nominations made as  
94 herein provided for the first election of trustees, and for  
95 the purpose of such election, a special election shall be called  
96 and held on the fourth Monday of April in each year in the  
97 city wherein such trustee is to be elected, the same to be  
98 called in the manner hereinbefore provided for the first  
99 election of trustees. The trustee so elected shall serve the  
100 full term of five years; and in case any vacancy arises in  
101 the membership of the board of trustees it shall be filled  
102 in like manner, for the unexpired term, by special election  
103 to be called by the municipal officers of the city wherein  
104 the election is to be held. All such trustees shall be eligible  
105 to re-election, but no person holding a municipal office in  
106 either of said cities shall be eligible to election as trustee.  
107 Said trustees may procure an office and incur such expenses  
108 as may be necessary. Each member shall receive in full  
109 compensation of his services an allowance of four hundred  
110 dollars per annum. At the close of each fiscal year the  
111 trustees shall make a detailed report of their doings, of  
112 the receipts and expenditures of said Water District, of  
113 its financial and physical condition, and of such other mat-  
114 ters and things pertaining to said District as shall show  
115 the inhabitants of said District how said trustees are ful-  
116 filling the duties and obligations of their trust, such reports  
117 to be made and filed with the municipal officers of the cities  
118 accepting this act.

Sect. 11. 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 District for said purpose, the entire plants,  
5 properties, franchises, rights and privileges of the Portland  
6 Water Company and the Standish Water and Construction  
7 Company, except their cash assets, including all lands,  
8 waters, water rights, dams, structures, reservoirs, pipes,  
9 machinery, fixtures, hydrants, tools and all apparatus and  
10 appliances owned by said companies and used or usable in  
11 supplying water in Portland, Westbrook, South Portland,  
12 Standish, Gorham, Windham and Cape Elizabeth. The said  
13 water companies are hereby authorized to sell and transfer  
14 their respective franchises and properties to said Water  
15 District.

Sect. 12. The Portland Water Company and the Standish  
2 Water and Construction Company shall severally on or  
3 before the second Monday of May, nineteen hundred and  
4 seven, file with said trustees an offer in writing stating  
5 therein the price at which the company signing the same  
6 will sell and transfer its entire plant, property, franchises,  
7 rights and privileges, except its cash assets, free of lien,  
8 mortgage and encumbrances, to the said Water District.  
9 Said offer shall provide that actual possession of the plant  
10 and property shall not be given until payment therefor but  
11 that delivery of possession, when made, shall be as of the  
12 first day of July, nineteen hundred and seven, from which  
13 day interest on said price shall run at the rate of five per  
14 cent per annum and all net rents and profits accruing there-  
15 after shall belong to said Water District. Such offer shall  
16 further provide that payment of said price shall be made  
17 by said District at its option on or before the first day of

18 October, nineteen hundred and seven. The said Water  
19 District shall in writing accept or reject all said offers on  
20 or before the second Monday in June of said year, but it  
21 may accept either of such offers and reject the other, but in  
22 that event it shall not be entitled to actual possession nor  
23 be required to make payment in the case of acceptance until  
24 after its acquisition by eminent domain, as hereinafter pro-  
25 vided, of the plant, property and franchise of the company  
26 whose offer is rejected. In all cases of acceptance as afore-  
27 said the water company or companies shall forthwith cause  
28 proper deeds of transfer and conveyance to be made and  
29 filed in the clerk's office of the supreme judicial court for  
30 the county of Cumberland, for the inspection of said Water  
31 District, and to be approved by the court, or any justice  
32 thereof, in term time or vacation. The said Water District  
33 through its trustees, shall file its petition, in each case where  
34 acceptance is made as aforesaid, in the clerk's office of the  
35 supreme judicial court for the county of Cumberland, in  
36 term time or vacation, addressed to any justice of said court,  
37 alleging its willingness to pay the agreed purchase price  
38 and interest in each case, into court before the first day of  
39 October, nineteen hundred and seven, for the benefit of the  
40 water company interested therein, and said court, through  
41 any justice thereof, in term time or vacation, after notice to  
42 the water company interested therein and its mortgagees,  
43 and hearing thereon, shall make all necessary decrees for  
44 the vesting of full title in said Water District to the entire  
45 plant, property and franchises of the defendant water com-  
46 pany in such petition free from all liens, mortgages and  
47 encumbrances and for the preservation of the rights of all

48 the creditors and bondholders of such water company in the  
49 funds so to be substituted under such decrees for the plant,  
50 property and franchises of such defendant water company ;  
51 after such final decree and before transfer of the plant,  
52 property and franchises in accordance therewith, and before  
53 payment therefor, the court sitting in said county of Cum-  
54 berland, by a single justice thereof, as hereinbefore provided,  
55 shall, upon motion of either party, after notice and hearing  
56 take account of all receipts and expenditures properly had  
57 or incurred by the defendant water company, belonging to  
58 the period from and after July first, nineteen hundred and  
59 seven, and all the net rents and profits accruing thereafter,  
60 and shall order the net balance due to either party to be  
61 added to or deducted from the amount to be paid under said  
62 final decree as the case may be. All findings of law or fact  
63 by any single justice at the hearings aforesaid shall be final.  
64 After any such acceptance as aforesaid, the water company  
65 interested therein may compel said Water District, by appro-  
66 priate process in equity to perform its contract of acceptance  
67 and to pay for the plant, property and franchises in accord-  
68 ance therewith.

Sect. 13. Where the said trustees fail to agree with either  
2 of said water companies upon terms of purchase, as herein-  
3 before provided, on or before July first, nineteen hundred  
4 and seven, then said Water District through its trustees is  
5 hereby authorized to take all the plants, properties and fran-  
6 chises of such water companies so failing to agree, as for  
7 public uses, by a petition therefor in the manner hereinafter  
8 provided, wherein such water companies and their mort-

9 gagees shall be the parties defendant. And said Water  
10 district, through its trustees, is hereby authorized on or  
11 before July fifteenth, nineteen hundred and seven, to file a  
12 petition in the clerk's office of the supreme judicial court  
13 for the county of Cumberland, in term time or in vacation,  
14 addressed to any justice thereof, who, after notice to said  
15 defendant water companies and their mortgagees, shall, after  
16 hearing and within thirty days after the filing of said peti-  
17 tion, appoint three disinterested appraisers, none of whom  
18 shall be residents of the county of Cumberland, one of whom  
19 shall be learned in the law, for the purpose of fixing the  
20 valuations respectively of the plant, property and franchises  
21 of each of said defendant water companies. Said petition  
22 shall not be dismissed after filing but may and shall be  
23 amended in any manner required to enable the court to  
24 make all necessary decrees thereon. At the hearing afore-  
25 said, such justice, upon motion of the petitioner, may order  
26 the production and filing in court, for the inspection of  
27 the petitioner, of all books and papers pertinent to the issues  
28 to be heard by said appraisers, the terms and conditions of  
29 so producing and filing such books and papers to be deter-  
30 mined by said justice in his order therefor and to be enforced  
31 from time to time as any justice of said supreme judicial  
32 court, in term time or in vacation, upon motion of either  
33 party, may deem reasonable and proper in the premises.  
34 At such hearing, such justice, upon motion of the petitioner,  
35 may fix a time at which the defendant water companies shall  
36 severally and respectively file in the clerk's office of the  
37 supreme judicial court for the county of Cumberland, for

38 the inspection of the petitioner, the following: First, sched-  
39 ules showing the names, residence, street number (if any)  
40 and water service of each customer on July first, A. D. 1907,  
41 with rate charged therefor; second, copies of all contracts  
42 in force on said July first with all municipal corporations and  
43 water companies; third, an itemized statement of the gross  
44 income earned during its last complete fiscal year and all  
45 operating expenses and fixed charges paid or incurred during  
46 such year and properly chargeable thereto; fourth, a memo-  
47 randum of all real estate, or interest therein, owned or con-  
48 trolled on said July first with such brief description thereof  
49 as will reasonably identify the same; fifth, a memorandum  
50 of all water rights used or owned on said July first with a  
51 brief description thereof and a concise statement of the  
52 method of acquiring the same; sixth, duplicate plans of all  
53 dams owned in whole or in part on said July first with speci-  
54 fications thereof; seventh, descriptions and specifications of  
55 all reservoirs and stand pipes owned on said July first;  
56 eighth, a description of all pipes, service pipes, hydrants,  
57 gates, gate boxes, shut off boxes, valves, fixtures and  
58 machinery, and all the physical elements in such water sys-  
59 tem, giving in detail all quantities, sizes, lengths, specifying  
60 the streets, roads or ways where situated; ninth, an item-  
61 ized list of all tools, apparatus and appliances used or usable  
62 in supplying water on said July first. Such orders may be  
63 enforced from time to time by any justice of said supreme  
64 judicial court, in term time or in vacation, upon motion of  
65 either party, as such justice may deem reasonable and proper  
66 in the premises. At such hearing the justice then sitting

67 may, upon motion of the petitioner, make all such decrees  
68 as he deems reasonable and proper to enable the petitioner,  
69 through its servants and employees, to ascertain the con-  
70 dition of the mains and pipes of the defendant water com-  
71 pany, externally and internally, all work connected there-  
72 with to be in the presence of the agents of the water com-  
73 pany and, at the election of the water company by its serv-  
74 ants, otherwise by the petitioner, but wholly at the expense  
75 of said Water District, said decree to fix the number of such  
76 examinations and to impose such conditions as may to the  
77 court seem just and proper in the premises. The said  
78 appraisers shall have the power of compelling attendance of  
79 witnesses and the production of books and papers pertinent  
80 to the issue and may administer oaths; and any witness or  
81 person in charge of such books or papers refusing to attend  
82 or to produce the same shall be subject to the same penalties  
83 and proceedings, so far as applicable, as witnesses sum-  
84 moned to attend the supreme judicial court. Depositions  
85 may be taken as in civil actions. The said appraisers may  
86 appoint a sufficient number of stenographers to enable a  
87 full report of the proceedings of each day to be in readiness  
88 for use the following day, each of said appraisers to so  
89 have one copy thereof and the parties to receive such num-  
90 ber of copies as the appraisers may deem necessary. The  
91 compensation and expenses of said stenographers shall be  
92 taxed and allowed by the appraisers and be paid and borne  
93 as hereinafter provided. Their reports, certified by said  
94 appraisers as correct, shall be filed with the award to be  
95 made by said appraisers and shall be legal evidence of all

96 proceedings so reported. They shall make full report as  
97 required in trials had in the supreme judicial court. The  
98 appraisers so appointed shall, after due notice and hearing,  
99 fix the respective valuations of the plants, properties and  
100 franchises of said defendant water companies at what they  
101 are fairly and equitably worth, so that said water companies  
102 shall severally receive just compensation for all the same.  
103 The first day of July, nineteen hundred and seven, shall  
104 be the date as of which the valuations aforesaid shall be  
105 fixed, from which date interest on said award at the rate  
106 of five per cent per annum shall run and all net rents and  
107 profits accruing thereafter shall belong to said Water Dis-  
108 trict. The report of said appraisers or of a majority of  
109 them, shall be filed in said clerk's office within six months  
110 after their appointment, but, if at the expiration of said  
111 six months the hearing before said appraisers should then  
112 be in progress and unfinished, their report may be so filed  
113 within thirty days after close of said hearing. After said  
114 report is filed, such single justice, so appointing said  
115 appraisers, or in case of his inability to act, then any justice  
116 designated for the purpose, by the chief justice, may, after  
117 notice and hearing, confirm or reject the same or recommit,  
118 if justice so requires, and in case of such rejection or  
119 recommittal such justice may fix the times for new hearing  
120 and new report thereon. The award of the appraisers shall  
121 be conclusive as to valuations. Upon the confirmation of  
122 their report, the court so sitting, in term time or vacation,  
123 shall thereupon, after hearing, make final decree upon the  
124 whole matter, including the application of the purchase



125 money, discharge of encumbrances and transfer of the  
126 properties and franchises, jurisdiction over which is hereby  
127 conferred with the same power to enforce said decree as  
128 in equity cases. All the costs and expenses arising under  
129 such petition and appraisal shall be paid and borne as  
130 directed by the court in said final decree, in manner as  
131 follows: Such costs and expenses shall include the tax-  
132 able costs of court, the fees and expenses of the appraisers  
133 to be taxed by them and allowed by the court, the fees  
134 and expenses of the stenographers as taxed and allowed  
135 by the appraisers, the incidental expenses of the hearing  
136 before the appraisers as by them taxed and allowed, and  
137 the fees of witnesses as paid by the parties and so certified  
138 by the appraisers. If said award or awards are below the  
139 offers to sell as made by said water companies, then all  
140 said costs and expenses shall be paid and borne by said  
141 companies to be apportioned among them as the court may  
142 direct. If said awards are equal or in excess of said offers,  
143 such costs and expenses shall be paid and borne as the  
144 court may direct. If one of said awards is below such  
145 offer and one equal to or in excess thereof, then such costs  
146 and expenses shall be apportioned as follows: The com-  
147 pany receiving an award below its offer to sell shall bear  
148 its own disbursements and such proportion of the remain-  
149 ing costs and expenses as its award bears to the total  
150 awards, and the balance shall be paid and borne by the  
151 Water District and the remaining water company as the  
152 court in such final decree may direct. The findings of  
153 such justice as to such costs and expenses and their appor-

154 tionment shall be final. In all other matters the justice  
155 so making such final decree shall, upon request of any of  
156 the parties, make separate findings of law and fact. All  
157 such findings of fact shall be final, but any party aggrieved  
158 may take exceptions to any rulings of law so made, the  
159 same to be accompanied only by such parts of the case as  
160 are necessary to a clear understanding of the questions  
161 raised thereby. Such exceptions shall be claimed on the  
162 docket within ten days after such final decree is signed,  
163 entered and filed, and notice thereof has been given by  
164 the clerk to the parties or their counsel, and said excep-  
165 tions so claimed shall be made up, allowed and filed within  
166 said time unless further time is granted by the court or  
167 by agreement of the parties. They shall be entered at  
168 the next term of the law court to be held after the filing  
169 of such exceptions and there heard unless otherwise agreed,  
170 or the law court shall for good cause order a further time  
171 for hearing thereon. Upon such hearing the law court  
172 may confirm, reverse or modify the decree of the court  
173 below, or remand the cause for further proceedings as  
174 it seems proper. During the pendency of such exceptions  
175 the cause shall remain on the docket of the court below  
176 marked "Law," and decree shall be entered thereon by a  
177 single justice, in term time or in vacation, in accordance  
178 with the certificate and opinion of the law court. Before  
179 the aforesaid plants, properties and franchises, or any of  
180 them, are transferred in accordance with such final decree,  
181 and before the payment therefor, the court sitting in said  
182 county of Cumberland, by a single justice thereof, as here-

183 inbefore provided, shall, upon motion of any party, after  
184 notice and hearing, take account of all receipts and expendi-  
185 tures properly had and incurred by each of said water  
186 companies belonging to the period from and after July  
187 first, nineteen hundred and seven, and all net rents and  
188 profits accruing thereafter, and shall order the net balance  
189 due to any party to be added to or deducted from the  
190 amount to be paid under said final decree as the case may  
191 be. All findings of law or fact by such single justice at  
192 such hearing shall be final. On payment or tender by  
193 said Water District of the amounts so fixed and the per-  
194 formance of all other terms and conditions so imposed by  
195 the court, the entire plants, properties and franchises  
196 respectively of said water companies shall become vested  
197 in said Water District and be free from all liens, mort-  
198 gages and encumbrances theretofore created by said water  
199 companies, or either of them. After the filing of said peti-  
200 tion it shall not be discontinued or withdrawn by said  
201 Water District, and the said water companies, or either of  
202 them, may thereafterwards cause said valuations to be made  
203 as herein provided, and shall be entitled to appropriate  
204 process to compel said Water District to perform the terms  
205 of the final decree and to pay for said plants, properties  
206 and franchises in accordance therewith. If a vacancy  
207 occurs at any time in said board of appraisers, from any  
208 cause, any justice of the supreme judicial court, sitting in  
209 said county of Cumberland, may, in term time or in vaca-  
210 tion, after notice and hearing, appoint a new appraiser or  
211 appraisers, and make all such orders for hearing said cause

212 by the appraisers anew or for any extension of time for  
213 making their award, or otherwise, as the circumstances of  
214 the case may require.

Sect. 14. All valid contracts, made in good faith, now  
2 existing between said water companies, or either of them,  
3 and any person or corporations for supplying water within  
4 the cities of Portland, South Portland and Westbrook and  
5 the towns of Standish, Gorham, Windham, Falmouth, Cum-  
6 berland and Cape Elizabeth shall be assumed and carried  
7 out by said Portland Water District.

Sect. 15. For accomplishing the purposes of this act, said  
2 Water District, through its trustees, is authorized to borrow  
3 money temporarily and to issue therefor the interest-bearing  
4 negotiable notes of the District, and for the purpose of  
5 refunding the indebtedness so created, of paying any neces-  
6 sary expenses and liabilities, incurred under the provisions  
7 of this act, including the expenses incurred in the creation  
8 of the District, in acquiring the properties and franchises  
9 of the Portland Water Company and the Standish Water  
10 and Construction Company, by purchase or otherwise, or  
11 the purchase or acquisition of the properties and franchises  
12 of said water companies, of securing sources of supply,  
13 taking water and land, paying damages, laying pipes, con-  
14 structing, maintaining and operating a water plant, and  
15 making renewals, extensions, additions and improvements to  
16 the same, the said Water District, through its trustees, may  
17 from time to time issue bonds of the District, to an amount  
18 or amounts necessary in the judgment of the trustees there-  
19 for. Said notes and bonds shall be legal obligations of said

20 Water District, which is hereby declared to be a quasi  
21 municipal corporation within the meaning of Section 96,  
22 Chapter 47 of the Revised Statutes, and all the provisions  
23 of said section shall be applicable thereto. The said notes  
24 and bonds shall be legal investments for savings banks.

Sect. 16. 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 the water used by them, and said rates shall be uniform  
5 within the territory supplied by the District. Said rates  
6 shall be so established as to provide revenue for the follow-  
7 ing purposes :

I. To pay the current expenses for operating and main-  
9 taining the water system.

II. To provide for the payment of the interest on the  
11 indebtedness of the District.

III. To provide each year a sum equal to not less than  
13 one nor more than five per cent of the entire indebtedness  
14 of the District, which sum shall be turned into a sinking  
15 fund and there kept to provide for the extinguishment of  
16 such indebtedness. The money set aside for the sinking  
17 fund shall be devoted to the retirement of the obligations  
18 of the District or invested in such securities as savings banks  
19 are allowed to hold.

IV. If any surplus remains at the end of the year it may  
21 be divided between the municipalities accepting this act and  
22 so composing the district in the same proportions as each  
23 contributed to the gross earnings of the District's water  
24 system, and, in order that these proportions may be readily

25 determined, all moneys received for water in each of said  
26 municipalities shall be entered in separate accounts so that  
27 the total amount thereof can be easily ascertained.

Sect. 17. All incidental powers, rights and privileges nec-  
2 essary to the accomplishment of the main object herein set  
3 forth are granted to the public municipal corporation hereby  
4 created.

Sect. 18. This act, so far as it includes the territory and  
2 people constituting the city of Westbrook and the city of  
3 South Portland as a part of said Portland Water District,  
4 as provided in section one hereof, shall not take effect  
5 respectively as to said Westbrook and said South Portland,  
6 unless accepted and approved by a majority vote of the  
7 legal voters respectively of said cities voting at elections  
8 to be specially called and held for the purpose on the second  
9 Monday of April, nineteen hundred and seven. Such special  
10 elections shall be called, advertised and conducted according  
11 to the law relating to municipal elections, provided, however,  
12 that the board of registration in each of said cities shall not  
13 be required to prepare for posting or the city clerk to post  
14 a new list of voters, and for the purpose of registration of  
15 voters said board shall be in session the three secular days  
16 next preceding such elections, the first two days thereof to  
17 be devoted to registration of voters and the last day to  
18 enable the boards to verify the corrections of said lists and  
19 to complete and close up their records of said sessions.  
20 The city clerk shall reduce the subject matter of this act  
21 to the following question: "Shall the act to incorporate the  
22 Portland Water District be accepted?" and the voter shall

23 indicate by a cross placed over the words "Yes" or "No"  
24 their opinion of the same. The result in each city shall be  
25 declared by the municipal officers thereof and due certificate  
26 thereof filed by the city clerk with the Secretary of State.  
27 Should either of both said cities fail to accept this act, then  
28 the territory and people within such city or cities shall not  
29 be a part of said Portland Water District, but said Water  
30 District shall supply water to such city or cities, and to the  
31 inhabitants thereof under the provisions of this act.

Sect. 19. This act, subject to the provisions of section  
2 eighteen, shall take effect when approved by a majority  
3 vote of the legal voters of the city of Portland voting at  
4 an election to be specially called and held for the purpose  
5 on the second Monday of April, nineteen hundred and seven.  
6 Such special election shall be called, advertised and con-  
7 ducted according to the law relating to municipal elections,  
8 provided, however, that the board of registration shall not  
9 be required to prepare for posting or the city clerk to post  
10 a new list of voters and for the purpose of registration of  
11 voters said board shall be in session the three secular days  
12 next preceding such election, the first two days thereof  
13 to be devoted to registration of voters and the last day to  
14 enable the board to verify the corrections of said lists and  
15 to complete and close up its records of said sessions. The  
16 city clerk shall reduce the subject matter of this act to the  
17 following question: "Shall the act to incorporate the Port-  
18 land Water District be accepted?" and the voters shall indi-  
19 cate by a cross placed over the words "Yes" or "No" their  
20 opinion of the same. The result shall be declared by the

21 mayor and aldermen and due certificate thereof filed by the  
22 city clerk with the Secretary of State.

Sect. 20. Wherever the word Portland is used in this act  
2 it shall be construed to exclude the islands in Casco Bay.  
3 In all elections hereunder the board of registration shall  
4 exclude from their lists and from all check lists the legal  
5 voters that are residents of said islands, and all warrants  
6 issued to the wards of which such islands are a part shall  
7 be varied accordingly to show that only the voters resident  
8 within the territorial limits of the Water District are entitled  
9 to vote hereunder.

Sect. 21. Sections two, three, four, five, six, seven and  
2 eight shall be inoperative, null and void, unless the said  
3 Water District shall first acquire by purchase, or by the  
4 exercise of the right of eminent domain as in this act pro-  
5 vided, the plants, properties and franchises, right and privi-  
6 leges of the Portland Water Company and the Standish  
7 Water and Construction Company.

Sect. 22. This act shall take effect when approved by the  
2 Governor, so far as necessary to empower the calling and  
3 holding of the elections authorized in sections eighteen and  
4 nineteen hereof.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES.

Augusta, January 18, 1907.

Tabled pending reference to the Committee on Judiciary, by Mr. MURPHY of Portland, and ordered printed.

E. M. THOMPSON, *Clerk.*