

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 422

STATE OF MAINE.

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

AN ACT to enable the town of Danforth to purchase the stock
or franchises of the Danforth Water Company or any part
thereof.

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

Section 1. The town of Danforth by its municipal officers
2 or the trustee hereinafter provided for, acting for and in
3 behalf of said town, is authorized and empowered to make
4 any necessary contracts, with any person or persons or the
5 Danforth Water Company for the ownership of any part
6 of its system of water-works existing within said town of
7 Danforth or the ownership of the whole or any part of the
8 stock of said company whereby the town of Danforth, or
9 said trustee, may be entitled to purchase the whole or a
10 part of said system of water works or stock at one time or

11 to purchase the same in installments through a period of
12 years.

Sect. 2. The town of Danforth or said trustee or trustees,
2 may purchase and own stock in the Danforth Water Com-
3 pany and the person or persons from whom purchased are
4 hereby authorized to transfer the same to said town, and
5 the municipal officers of said town shall appoint some person
6 to vote the stock so purchased as they may direct in all
7 meetings of said Danforth Water Company.

Sect. 3. The Danforth Water Company is hereby author-
2 ized and empowered to sell and convey by deeds of transfer.
3 and conveyance all the property, franchises, rights and
4 privileges, owned by said Danforth Water Company, except
5 cash assets, to said town of Danforth, or to such person
6 or persons, or corporation in trust, for the benefit of said
7 town, as the municipal officers of said town may designate,
8 subject to any mortgages given to secure the payment of
9 bonds not then due, existing thereon at the time; and if
10 the municipal officers of said towns shall designate that
11 said property, franchises, rights and privileges, shall be
12 conveyed to any person or persons, or corporation, in trust,
13 as aforesaid, they shall also designate the terms of said trust,
14 which shall be incorporated in said deed. If at the time
15 of said conveyance there shall be any existing mortgage,
16 as aforesaid, the town or such trustee, in his or their said
17 capacity, shall assume the payment of all the principal sums,
18 and interest, remaining unpaid or thereafter coming
19 due; and such trustee or trustees, in its or their said capacity,
20 and also the town, so far as lawful under the provisions of

21 the constitution of the state, shall be holden to pay all the
22 sums so assumed. When said conveyance is made as afore-
23 said, and delivered to said town, or trustee, the town shall
24 thereupon enter into possession and control of the property,
25 rights, franchises and privileges therein transferred, subject
26 to be divested thereof only upon failure to pay the mort-
27 gaged indebtedness aforesaid of the Danforth Water Com-
28 pany, or otherwise as is herein provided.

Sect. 4. Any person or persons, or corporation to whom
2 the property and franchises of the Danforth Water Com-
3 pany shall be conveyed in trust, as provided in section three,
4 or to whom any stock in any company shall be conveyed
5 in trust for the benefit of said town, shall hold the same as
6 security for any person or corporation who may have ad-
7 vanced money for its purchase, and may, from time to time,
8 sell and deliver the same, or debentures representing the
9 same, to the town, discharged of its trust, in such manner
10 and upon such terms as may be agreed upon by the town
11 by its municipal officers and such trustee, and the person
12 or persons or corporation advancing such money. And as
13 further security, such trustee or trustees may be entitled
14 by contract to receive the net rents and profits of said prop-
15 erty, with one per cent of the principal annually, and apply
16 them to the payment of any such advances and the interest
17 thereon. Such trustee or trustees, with the consent of the
18 town by its municipal officers, may also create or hold secur-
19 ity on said property, rights, privileges and franchises, for
20 money advanced by any person or persons or corporation

21 to improve or extend the said system of water works herein-
22 before described.

Sect. 5. For the purpose of raising money to carry out
2 the provisions of this act, the town of Danforth may issue
3 its bonds with interest coupons, in behalf of said town,
4 signed by the municipal officers of said town, and the treas-
5 urer of said town, when authorized by a vote of said town,
6 to an amount which, taken in connection with the other
7 indebtedness of the town, will not exceed the amount limited
8 by the constitution of Maine. And such bonds shall be
9 signed by the municipal officers of the town and the treas-
10 urer of the town, but the coupons need be signed by the
11 treasurer only and shall be designated and marked "The
12 Danforth Water Company."

Sect. 6. The rates for the supply of water under this act
2 shall be fixed so that all expenses for repairs and manage-
3 ment shall be paid annually, together with interest, and
4 such amounts as the town may determine to be paid annu-
5 ally upon the principal expenditures, not less than one per
6 cent.

Sect. 7. For the purpose of raising money to carry out
2 the provisions of this act, and to extend and improve the
3 system of water works, which may be purchased from the
4 Danforth Water Company, by building reservoirs and pump-
5 ing stations, buying necessary machinery and appliances
6 connected therewith, and laying additional pipes and mains,
7 said trustee or trustees are authorized, with the consent of
8 the town, by vote, to hire money and to issue therefor inter-
9 est-bearing debentures, in the manner and at the rate not

10 to exceed that which may be specified in the deed of trust
11 from said company to said trustees, which deed of trust
12 shall be made in accordance with the directions of said
13 town. Said debentures shall be made redeemable by the
14 town or trustee or trustees from year to year through a
15 series of years, and said trustee or trustees may create or
16 hold security on said property for the payment of said
17 debentures. And when said town shall have paid from its
18 own funds fifteen per cent of the amount paid to the Dan-
19 forth Water Company, said debentures may be purchased
20 and held by savings banks in this state.

Sect. 8. For the purposes of carrying into effect the pro-
2 visions of this act, the town of Houlton, at a meeting duly
3 called therefor, may, as soon as this act takes effect, if it
4 so elects, or at any time thereafter or whenever said town
5 of Houlton comes into ownership, control or management
6 of a system of water works, by purchase of the stock or
7 franchises of the Danforth Water Company, elect by ballot
8 three water commissioners whose duty it shall be to per-
9 form all such acts for the town, necessary and convenient
10 for the full operation of this act, as may be prescribed
11 by ordinance, or as may be directed by the municipal offi-
12 cers of said town from time to time. The three persons
13 first chosen as aforesaid, shall serve, one for one year, one
14 for two years, one for three years, from the day of the
15 annual March meeting then following, as may be desig-
16 nated by the municipal officers of said town of Danforth;
17 and thereafterwards one commissioner shall be elected by
18 ballot annually at the annual March meeting, to serve for

19 the term of three years. The municipal officers of said
20 town of Danforth may fill any vacancy occurring by death,
21 resignation or otherwise. The chairman of the municipal
22 officers of said town of Danforth, for the time being, shall
23 be, ex-officio, a member of the board of water commis-
24 sioners. Until such water commissioners are elected, the
25 municipal officers of the said town of Danforth shall per-
26 form the duties of the water commissioners.

Sect. 9. Said municipal officers of said town of Danforth,
2 or said water commissioners, in case water commissioners
3 are elected as hereinbefore provided, are authorized to fix
4 the rates of water to be paid monthly, quarterly, semi-
5 annually, or annually, by persons or corporations supplied
6 with the same, and in the same manner determine the con-
7 ditions and manner of such supply, and shall have general
8 charge and control of the town's water system.

Sect. 10. For the purpose of extending the system of
2 water works hereinbefore described, said town of Danforth,
3 by its municipal officers or water commissioners, or said
4 trustees or any corporation of which either may obtain con-
5 trol as provided in this act, either directly or through owner-
6 ship of stock, shall have power, and are hereby authorized
7 to take and hold, by purchase or otherwise, any lands or
8 real estate necessary for laying and maintaining pipes, aque-
9 ducts, locks, gates, dams, hydrants and reservoirs for taking,
10 conducting, holding, discharging and distributing water,
11 and for roadways to be used as approaches thereto, doing
12 no unnecessary damage. They may enter upon said land
13 to make surveys and locations, and file in the registry of

14 deeds in the county of Aroostook, plans of such location and
15 lands, showing the property taken, and within thirty days
16 thereafter, publish such notice of taking and filing in some
17 newspaper in said county, such publication to be continued
18 three weeks successively; and such filing in the registry of
19 deeds shall be in lieu of any other filing now required by
20 law.

Sect. 11. Should the said town of Danforth, by its muni-
2 cipal officers or water commissioners or said trustees or such
3 corporation, and the owner of such land be unable to agree
4 upon the damages to be paid for such location, taking and
5 holding, the land owner, or the town or trustees or such
6 corporation, may within twelve months after the filing of
7 said plans and location, apply to the commissioners of the
8 county of Aroostook, who shall cause such damages to be
9 assessed in the same manner and under the same conditions,
10 restrictions, limitations and rights of appeal as are by law
11 prescribed in the case of damages for the laying out of high-
12 ways, so far as such law is consistent with the provisions
13 of this act.

Sect. 12. Except as otherwise provided herein, this act
2 shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 8, 1907.

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

E. M. THOMPSON, *Clerk*