

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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SENATE.

No. 239

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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 enable the town of Presque Isle to purchase the stock or franchises of the Presque Isle Water Company or any part thereof.

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

Section 1. The town of Presque Isle by its municipal officers or the trustee hereinafter provided for, acting for and in behalf of said town, is authorized and empowered to make any necessary contracts with any person or persons or the Presque Isle Water Company for the ownership of any part of its system of waterworks existing within said town of Presque Isle or the ownership of the whole or any part of the stock of said company whereby the town of Presque

9 Isle, or said trustee, may be entitled to purchase the whole  
10 or a part of said system of water works or stock at one time  
11 or to purchase the same in installments through a period of  
12 years.

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

Sect. 3. The Presque Isle Water Company is hereby  
2 authorized and empowered to sell and convey by deeds of  
3 transfer and conveyance all the property, franchises, rights  
4 and privileges, owned by said Presque Isle Water Company,  
5 except cash assets, to said town of Presque Isle, or to such  
6 person or persons, or corporation in trust, for the benefit of  
7 said town, as the municipal officers of said town may desig-  
8 nate, subject to any mortgages given to secure the payment  
9 of bonds not then due, existing thereon at the time; and if  
10 the municipal officers of said town shall designate that said  
11 property, franchises, rights and privileges, shall be conveyed  
12 to any person or persons, or corporation, in trust, as afore-  
13 said, they shall also designate the terms of said trust, which  
14 shall be incorporated in said deed. If at the time of said  
15 conveyance there shall be any existing mortgage, as afore-  
16 said, the town or such trustee, in his or their said capacity,

17 shall assume the payment of all the principal sums, and  
18 interest, remaining unpaid, or thereafterwards coming due;  
19 and such trustee or trustees, in its or their said capacity, and  
20 also the town, so far as lawful under the provisions of the  
21 constitution of the state, shall be holden to pay all the sums  
22 so assumed. When said conveyance is made as aforesaid,  
23 and delivered to said town, or trustee, the town shall there-  
24 upon enter into possession and control of the property, rights,  
25 franchises and privileges therein transferred, subject to be  
26 divested thereof only upon failure to pay the mortgaged  
27 indebtedness aforesaid of the Presque Isle Water Company  
28 or otherwise as is herein provided.

Sect. 4. Any person or persons, or corporation to whom  
2 the property and franchises of the Presque Isle 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 in  
5 trust for the benefit of said town, shall hold the same as  
6 security for any person or corporation who may have  
7 advanced money for its purchase, and may, from time to  
8 time, sell and deliver the same, or debentures representing  
9 the same, to the town, discharged of its trust, in such man-  
10 ner and upon such terms as may be agreed upon by the town  
11 by its municipal officers and such trustee, and the person or  
12 persons or corporation advancing such money. And as  
13 further security, such trustee or trustees may be entitled by  
14 contract to receive the net rents and profits of said property,  
15 with one per cent of the principal annually, and apply them

16 to the payment of any such advances and the interest there-  
17 on. Such trustee or trustees, with the consent of the town  
18 by its municipal officers, may also create or hold security on  
19 said property, rights, privileges and franchises, for money  
20 advanced by any person or persons or corporation to improve  
21 or extend the said system of water works hereinbefore  
22 described.

Sect. 5. For the purpose of raising money to carry out the  
2 provisions of this act, the town of Presque Isle 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 treasurer  
10 of the town, but the coupons need be signed by the treasurer  
11 only, and shall be designated and marked "The Presque Isle  
12 Water Loan."

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 such  
4 amounts as the town may determine to be paid annually upon  
5 the principal expenditures, not less than one per cent.

Sect. 7. For the purpose of raising money to carry out the  
2 provisions of this act, and to extend and improve the system  
3 of water works, which may be purchased from the Presque  
4 Isle Water Company, by building reservoirs and pumping

5 stations, buying necessary machinery and appliances con-  
6 nected therewith, and laying additional pipes and mains, said  
7 trustee or trustees are authorized, with the consent of the  
8 town, by vote, to hire money and to issue therefor interest  
9 bearing debentures, in the manner and at the rate not to  
10 exceed that which may be specified in the deed of trust from  
11 said company to said trustees, which deed of trust shall be  
12 made in accordance with the directions of said town. Said  
13 debentures shall be made redeemable by the town or trustee  
14 or trustees from year to year through a series of years, and  
15 said trustee or trustees may create or hold security on said  
16 property for the payment of said debentures. And when  
17 said town shall have paid from its own funds fifteen per  
18 cent of the amount paid to the Presque Isle Water Company,  
19 said debentures may be purchased and held by savings banks  
20 in this state.

Sect. 8. For the purpose of carrying into effect the provi-  
2 sions of this act, the town of Presque Isle, at a meeting duly  
3 called therefor, may, as soon as this act takes effect, if it so  
4 elects, or at any time thereafter or whenever said town of  
5 Presque Isle comes into ownership, control or management  
6 of a system of water works, by purchase of the stock or  
7 franchises of the Presque Isle Water Company, elect by  
8 ballot three water commissioners whose duty it shall be to  
9 perform all such acts for the town, necessary and convenient  
10 for the full operation of this act, as may be prescribed by  
11 ordinance, or as may be directed by the municipal officers of  
12 said town from time to time. The three persons first chosen

13 as aforesaid, shall serve, one for one year, one for two years,  
14 one for three years, from the day of the annual March meet-  
15 ing then following, as may be designated by the municipal  
16 officers of said town of Presque Isle; and thereafterwards  
17 one commissioner shall be elected by ballot annually at the  
18 annual March meeting, to serve for the term of three years.  
19 The municipal officers of said town of Presque Isle may fill  
20 any vacancy occurring by death, resignation or otherwise.  
21 The chairman of the municipal officers of said town of  
22 Presque Isle for the time being, shall be, ex-officio, a member  
23 of the board of water commissioners. Until such water  
24 commissioners are elected, the municipal officers of the said  
25 town of Presque Isle shall perform the duties of the water  
26 commissioners.

Sect. 9. Said municipal officers of said town of Presque  
2 Isle, or said water commissioners, in case water commis-  
3 sioners are elected as hereinbefore provided, are authorized  
4 to fix 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 water  
2 works hereinbefore described said town of Presque Isle, by  
3 its municipal officers or water commissioners, or said trus-  
4 tees or any corporation of which either may obtain control  
5 as provided in this act, either directly or through ownership  
6 of stock, shall have power, and are hereby authorized to take

7 and hold, by purchase or otherwise, any lands or real estate  
8 necessary for laying and maintaining pipes, aqueducts, locks,  
9 gates, dams, hydrants and reservoirs, for taking, conduct-  
10 ing, holding, discharging and distributing water, and for  
11 roadways to be used as approaches thereto, doing no unne-  
12 cessary damage. They may enter upon said land to make  
13 surveys and locations, and file in the registry of deeds, in  
14 the county of Aroostook, plans of such location and lands,  
15 showing the property taken, and within thirty days there-  
16 after, publish such notice of taking and filing in some news-  
17 paper in said county, such publication to be continued three  
18 weeks successively; and such filing in the registry of deeds  
19 shall be in lieu of any other filing now required by law.

Sect. 11. Should the said town of Presque Isle, by its  
2 municipal officers or water commissioners or said trustees  
3 or such corporation, and the owner of such land be unable to  
4 agree upon the damages to be paid for such location, taking  
5 and 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 of  
13 this act.

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



STATE OF MAINE.

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IN SENATE, March 11, 1907.

Reported by Mr. MILLS from Committee on Legal Affairs, and laid  
on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.