

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 806

STATE OF MAINE.

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

AN ACT to incorporate the Milo Water District.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The following described territory, and the
2 people within the same, namely, so much of the town of
3 Milo in the County of Piscataquis except the land now
4 owned by the Bangor & Aroostook Railroad Company at
5 Milo Junction, as is bounded by a line, beginning at the in-
6 tersection of the center line of Sebec Stream and the north
7 line of Lot No. 72, Strong's survey; thence northeasterly
8 along said lot line to Park Street; thence southerly in the
9 center line of Park Street to the intersection of the north-
10 erly line of Lot No. 71; thence northeasterly along said lot
11 line to the westerly line of Lot. No. 44; thence southerly in

12 said westerly line to the southwest corner of said lot; thence
13 in a southeasterly direction to the northerly corner of Lot
14 No. 131; thence southeasterly along the northeasterly line
15 of said Lot No. 131, and extension thereof to the easterly
16 corner of Lot No. 136; thence southwesterly along the south-
17 erly line of said lot to Sebec Stream; thence down said
18 stream to the mouth of Piscataquis River; thence up said
19 river to the intersection of the lot line dividing lots No. 85
20 and 17; thence northerly in said lot line and an extension
21 thereof to the northeast corner of Lot No. 34; thence west-
22 erly along the northerly line of said lot to a point therein
23 which is due south of the intersection of the road leading
24 to Sebec Corner and the road leading northwesterly there-
25 from through Lots No. 36 and 37; thence due north to said
26 point of intersection; thence northwesterly along said last
27 mentioned road to its intersection with the north line of Lot
28 No. 37; thence easterly in the said north line to Sebec
29 Stream; thence up said stream to the point of beginning;
30 shall constitute a body politic and corporate under the name
31 of the Milo Water District, for the purpose of supplying
32 the inhabitants of said district with pure water and with
33 hydrants and other apparatus and appliances necessary for
34 fire purposes.

Sect. 2. Said district is herewith authorized for the pur-
2 poses of aforesaid, to take and hold sufficient water of any
3 river, stream, lake, pond, spring or well in the town of Milo
4 or Sebec, excepting Sebec lake, and may excavate through

5 any lands when necessary for the purposes of the district,
6 and may take and hold by purchase or otherwise any land
7 or real estate necessary for erecting dams, power, reser-
8 voirs or for preserving purity of the water and water-shed
9 and for laying and maintaining aqueducts for conducting,
10 discharging, distributing and disposing of water.

Sect. 3. Said district shall be liable for all damages that
2 shall be sustained by any persons or corporations in their
3 property by taking of any land whatsoever or mill privileges
4 within the district, or by flowage or by excavating through
5 any land for the purpose of laying pipes, building dams or
6 constructing reservoirs. If any persons sustaining dam-
7 ages as aforesaid, and said corporation shall not mutually
8 agree upon the sum to be paid therefor, such person may
9 cause his damage to be ascertained in the same manner and
10 under the same conditions, restrictions and limitations, as
11 are and may be prescribed in case of damages by the laying
12 out of highways.

Sect. 4. Said district is hereby authorized to lay in and
2 fill the streets and highways thereof, and to take up, repair
3 and replace all such pipes, aqueducts and fixtures as may be
4 necessary for the objects above set forth, and whenever said
5 district shall lay said pipes or aqueducts in any street or
6 highway, it shall cause the same to be done with as little
7 obstruction as possible to the public travel, and shall, at its
8 own expense without unnecessary delay, cause the earth
9 and pavements removed by it to be replaced in proper con-
10 dition.

Sect. 5. All the affairs of the said district shall be managed by a board of assessors composed of three members to be chosen by ballot by the legal voters within said district, the first election to be held to be at the meeting of the legal voters of said water district, called to accept this act, one to serve until the annual meeting in 1910; one to serve until the annual meeting in 1911; and one to serve until the annual meeting in 1912. Whenever the term of office of an assessor shall expire the legal voters of said water district shall elect a successor to serve for the full term of three years, and if any other vacancy occurs it may be filled in like manner for the unexpired term. The annual election of officers shall be held in the month of March, the date thereof to be fixed by the voters in said water district.

Sect. 6. Said voters shall elect a clerk and treasurer of said water district annually.

Sect. 7. The board of assessors shall have the full management and control of the business and water works system of said district, and establish such rules and regulations as may be necessary for the convenience and proper management of said water works system, employ superintendent and such other labor as may be necessary for the proper operation of said water works system, fix the amount of the water rentals which shall be uniform throughout said district, and do all things necessary for the proper operation of said system. Said assessors may procure an office and incur such expenses as may be necessary. They shall render their

12 services without compensation, but shall receive an allow-
13 ance of two dollars apiece for each meeting of the board ac-
14 tually attended.

Sect. 8. Said water district is hereby authorized for the
2 purposes aforesaid to contract with the Milo Water Com-
3 pany, its successors or assigns, for such hydrants as such
4 water ditrict may vote to take of said water company, and
5 for such price and for such periods of time as said water
6 district and said water company may mutually agree upon.

Sect. 9. Any money raised by said water district for the
2 purpose aforesaid, shall be assessed upon the property and
3 polls within the aforesaid territory by the assessors of said
4 water district in the same manner as is provided by law for
5 the assessment of county and town taxes, and said assessors
6 may copy the last valuation of said property by the assessors
7 of the town of Milo and assess the taxes thereon, if said
8 water district shall so direct, and may abate any tax by
9 them so assessed, the tax on polls not to exceed at any one
10 assessment the sum of one dollar to any one person in any
11 one year.

Sect. 10. All incidental powers, rights and privileges nec-
2 essary to the accomplishment of the main object herein set
3 forth are granted to the water district hereby created.

Sect. 11. Said water district is hereby authorized to take
2 over by lease, purchase or power of eminent domain the
3 property, system, rights, and privileges of the said Milo

4 Water Company at any time after the acceptance of this
5 charter under the conditions as hereinafter provided, and
6 to install in the said district a water system for the pur-
7 poses set forth in section one of this act, and the power of
8 eminent domain is hereby expressly conferred upon said
9 district.

Sect. 12. If the property, system, rights and privileges of
2 the said Milo Water Company are taken over as above, the
3 amount to be paid to the Milo Water Company by the said
4 water district for the property, system, rights and privileges
5 of said Milo Water Company shall be the fair market value
6 of said property, system, rights and franchises at the time
7 of such taking.

Sect. 13. In case said assessors fail to agree with said
2 Milo Water Company upon the terms of purchase of the
3 above mentioned property, then the same shall be left for
4 the determination of three persons to be chosen as follows,
5 viz: one by said water district, one by said Milo Water Com-
6 pany, and the third who shall be a person learned in the
7 law and a resident of Piscataquis County, shall be appointed
8 by the Chief Justice of the Supreme Court, and the finding
9 of the aforementioned three parties shall be final and con-
10 clusive in the matter as between the parties.

Sect. 14. The assessors of the district may, for the pur-
2 pose of paying any necessary expenses and liabilities incur-
3 red under the provisions of this act, including the expenses

4 incurred in acquiring the property of the Milo Water Com-
5 pany by purchase or otherwise, in securing sources of sup-
6 ply, taking water and land, paying damages, laying pipes,
7 constructing, maintaining and operating a water plant, and
8 making renewals, extensions, additions and improvements
9 to the same, issue from time to time bonds of the district
10 to an amount necessary in the judgment of the assessors
11 thereof. Said bonds shall be a legal obligation of said
12 water district, which is hereby declared to be a quisa muni-
13 cipal corporation within the meaning of section ninety-six,
14 chapter forty-seven of the revised statutes, and all the pro-
15 visions of said section shall be applicable thereto.

Sect. 15. 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 assessors
4 for all water used by them, and said rates shall be uniform
5 in their application within the district. Said rates shall be
6 so established as to provide revenue for the following pur-
7 poses:

I. To pay the current running expenses for maintaining
9 the water system and provide for such extensions and re-
10 newals as may become necessary.

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

III. If any surplus remain at the end of the year, it shall
14 be turned into a sinking fund to provide for the final ex-

15 tinguishment of the funded debt. The money set aside for
16 the sinking fund shall be devoted to the retirement of the
17 district's obligations or invested in such securities as savings
18 banks are allowed to hold.

Sect. 16. The property of said district shall be exempt
2 from taxation.

Sect. 17. Said district is hereby authorized to borrow
2 money temporarily for any of the legitimate purposes of the
3 district.

Sect. 18. Whenever said district shall take land or ease-
2 ments therein for its use it may mark the lines and bound-
3 aries thereof by suitable monuments.

Sect. 19. Proceedings for condemnation by said district
2 shall be commenced by filing in the office of the county
3 commissioners of the county where the property is situated
4 a certificate of taking accompanied by plans and descriptions
5 of said property, together with the names of the party or
6 parties supposed to be owners thereof, and proceedings shall
7 then be had for the appraisal of damages as in the case of
8 laying out highways by the county commissioners.

Sect. 20. In case of any crossing of a railroad unless con-
2 sent is given by the company owning or operating such rail-
3 road as to place, manner and conditions of the crossing, the
4 railroad commissioners shall determine the place, manner
5 and conditions of such crossing; and all work within the
6 limits of such railroad location shall be done under the su-
7 pervision and to the satisfaction of the officers of such rail-
8 road company, but at the expense of the district.

Sect. 21. This charter may be accepted at any time within
2 five years from its approval by the governor, and its rejec-
3 tion in any one calendar year shall not prevent its acceptance
4 in any later calendar year during the time aforesaid, but
5 only one meeting or vote thereon shall be held in any one
6 calendar year. Any member of the board of selectmen of
7 the town of Milo, or any justice of the peace within said
8 district, may call all meetings of the inhabitants of said dis-
9 trict previous to the acceptance of this charter, by posting
10 a notice, in at least three public and conspicuous places in
11 said territory at least seven days before the time of holding
12 said meeting, and all subsequent meetings shall be called and
13 notified by the assessors of said corporation as town meet-
14 ings are called and notified. Every person residing within
15 the limits of this district who was on the first day of April
16 next prior to the date of said meeting of said corporation
17 a legal voter in the town of Milo qualified to vote for gov-
18 ernor, shall be a legal voter in said water district. At the
19 first meetings of said water district held before the accept-
20 ance of this charter the first question in the warrant for said
21 meeting, after the election of moderator, shall be: "Shall
22 the act to incorporate the Milo Water District be accepted?"
23 and upon this question the vote shall be by written ballot
24 "yes" and "no." If a majority of the votes cast at said
25 meeting upon said question be "yes," then the said meeting
26 shall proceed to the election of the assessors hereinbefore
27 mentioned and a clerk of said district, and the said clerk

28 shall forward to the Secretary of State a certificate of the
29 result of said meeting, and said water district shall be a
30 corporation from the date of acceptance of this charter at
31 said meeting.

Sect. 22. Sections two, three and four of this act shall
2 be inoperative, null and void unless the said water district
3 shall first acquire, by purchase or by exercise of the right of
4 eminent domain as provided by section thirteen of this act,
5 the plant, property, franchises, rights and privileges now
6 held by the Milo Water Company within said district.

Sect. 23. All costs and expenses arising under the pro-
2 visions of this act shall be paid as directed by the court.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 27, 1909.

Reported by Mr. MONTGOMERY from Committee on Ju-
diciary and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*