

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 407

House of Representatives, Mar. 3, 1911.

Introduced by Mr. Bisbee of Rumford, who moved its reference to the Committee on Judiciary. By him tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

HUNDRED AND ELEVEN.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE

AN ACT in relation to the Rumford Falls Village Corporation and to establish a municipal water system for said corporation.

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

Section 1. The Rumford Falls Village Corporation, created and duly organized by law, in the Town of Rumford and County of Oxford, in addition to the powers already granted it is hereby authorized and empowered to install a municipal water system for the purpose of supplying the Rumford Falls Village Corporation. The Inhabitants of said Village Corporation, The Inhabitants of the Town of Rumford and the Inhabitants of Hanover Village, in the Town of Hanover, with pure water for domestic, sanitary

10 and municipal purposes, including the extinguishment of
11 fires.

Sect. 2. For the purpose of carrying out the provisions
2 of this act, said Rumford Falls Village Corporation is here-
3 by authorized to take, hold, divert, use and distribute wa-
4 ter from Howard Pond, so called, in the Town of Hanover
5 and County of Oxford, and for the purpose aforesaid, may
6 enter upon any lands, in said Towns of Rumford and Han-
7 over, for the purpose of making surveys for its pipe lines,
8 reservoirs, dams or works, and may take and hold by pur-
9 chase or otherwise, any lands and real estate necessary for
10 erecting dams, powers, reservoirs or for preserving the
11 purity of the water in said water shed, and for laying and
12 maintaining aqueducts and pipes for taking, discharging,
13 conveying and disposing of said water.

Sect. 3. Said Rumford Falls Village Corporation shall
2 be liable for all damages that shall be sustained by any
3 person or corporation, in their property, by the taking of
4 any land whatsoever, or water, or by flowage or by excavat-
5 ing through any lands for the purpose of laying pipes, build-
6 ing dams or constructing reservoirs. If any person or cor-
7 poration sustaining damages as aforesaid, shall not mutually
8 agree upon the sum to be paid therefor, either party, upon
9 petition to the county commissioners of said County of Ox-
10 ford, may have said damages assessed by them; the pro-
11 cedure and all subsequent proceedings and rights of appeal
12 thereon shall be had under the same restrictions, conditions

13 and limitations as are or may be by law prescribed in the
14 case of damages by the laying out of highways.

Sect. 4. Said Village Corporation is hereby authorized to
2 lay in and through the streets and highways of the Rum-
3 ford Falls Village Corporation and of the towns of Rum-
4 ford and Hanover, and to take up, repair and replace all such
5 pipes, aqueducts and fixtures as may be necessary for the
6 object above set forth, and when necessary this work shall
7 be done with as little obstruction and unnecessary delay to
8 public travel as possible, and all digging in said streets shall
9 be under the supervision of the selectmen of said towns.

Sect. 5. The care and management of said water sys-
2 tem and the regulation of prices and charges for water
3 supplied, as herein contemplated, shall be under the control
4 of a board of trustees composed of three members to be
5 chosen by ballot, by the legal voters within said corporation
6 at its regular annual meeting, said trustees to hold office
7 for three years, except those elected at the first meeting
8 hereinafter provided for, one shall be elected to hold office
9 for one year, one for two years and one for three years,
10 and if any vacancy occur the assessors shall fill the same
11 by appointment until the next annual meeting of said Village
12 Corporation. As soon as convenient after the board of
13 trustees have been elected, the said trustees shall hold a
14 meeting and organize and choose such officers and agents
15 as seems necessary for the proper management of the af-
16 fairs of said water system. A member shall receive as full

17 compensation for his services an allowance of one hundred
18 dollars per year.

Sect. 6. Said Village Corporation is hereby authorized
2 and empowered by purchase or by the exercise of the right
3 of eminent domain which right is hereby expressly delegated
4 to said Village Corporation for said purpose, the entire
5 plant, property, franchises, rights and privileges now held
6 by the Union Construction Company, Virginia Spring
7 Water Company and Rumford Falls Light & Water Com-
8 pany, within said corporation and the town of Rumford,
9 including all lands, waters, water rights, dams, reservoirs,
10 pipes, fixtures, hydrants, tools and all appurtenances and
11 appliances owned by said companies, and used in supply-
12 ing water in said corporation or the Town of Rumford,
13 together with all real estate so used. The said water com-
14 panies are hereby authorized to sell and transfer their
15 franchises and property to the said Village Corporation.

Sect. 7. In case the said trustees fail to agree with said
2 water companies upon terms of purchase on or before July
3 1, 1911, then said Village Corporation, through its trustee,
4 is hereby authorized to take the plant, property and fran-
5 chises of said water companies as authorized in preceding
6 sections as and for public uses. Said Village Corporation
7 through its trustees is hereby authorized on or before Sep-
8 tember 1, 1911, to file a petition in the Clerk's office of the
9 Supreme Judicial Court for the County of Oxford, in term
10 time or in vacation, addressed to any justice thereof, and

11 upon notice to said defendant water companies and their
12 mortgagees, shall after hearing and within thirty days after
13 the filing of said petition, appoint three disinterested ap-
14 praisers, none of whom shall be residents of the County of
15 Oxford, one of whom shall be learned in the law, for the
16 purpose of fixing the valuation of the plant, property and
17 franchises of said defendant water companies, as prescribed
18 in preceding sections. Said petition shall not be withdrawn,
19 but may and shall be amended in any manner required to
20 enable the court to make all necessary decrees thereon at
21 the hearing aforesaid, said justice, upon motion of the pe-
22 titioner may order the production and filing of all books,
23 papers, plans, descriptions and specifications, as the peti-
24 tioner may require, and upon motion of the petitioner said
25 justice of said Supreme Judicial Court, may fix a time with-
26 in which said water companies shall file in the Clerk's of-
27 fice of the Supreme Judicial Court for the County of Ox-
28 ford, for the inspection of the petitioner, all books, papers
29 and specifications, as shall be required on such hearing
30 the justice then setting, shall make such decrees as he deems
31 reasonable and proper to enable the petitioner to ascertain
32 the condition of the mains and pipes of the defendant wa-
33 ter companies, externally and internally under such restric-
34 tions as he deems necessary, but at the expense of the said
35 corporation, and said decrees shall be enforced by said
36 justice upon motion of either party. Said appraisers shall
37 have the power of compelling attendance of witnesses and

38 production of books and papers pertinent to the issue and
39 may administer oaths and any witness or persons in charge
40 of books or papers, refusing to attend or produce the same,
41 shall be subject to the same penalties and proceedings as
42 if summoned to attend the Supreme Judicial Court. The
43 appraisers so appointed shall, after due notice and hearing,
44 fix the valuation of the plant, property and franchises of
45 said defendant water companies, for what they are fairly
46 and equably worth, so that said water companies shall re-
47 ceive just compensation for all the same. The first day of
48 October 1911 shall be the date as of which the valuation
49 aforesaid, shall be fixed upon, which date interest on said
50 award at the rate of five per cent. per annum shall run, and
51 all net rents and profits thereafter accruing shall belong
52 to said corporation. After said report is filed and after
53 notices and hearing confirmed, the court so setting, in term
54 or in vacation, shall after hearing make final decree upon
55 the whole matter, including the transfer of the property and
56 franchises, and shall have the same power to enforce said
57 decree as in equity case. All costs and expenses arising
58 under said petition and appraisal, shall be paid and borne
59 as directed by the court, and its finding shall be final. On
60 payment and tender by said corporation of the amount so
61 fixed and upon performance of the conditions imposed by
62 the court, the entire plant, property and franchises of said
63 water companies, as described in the preceding sections,
64 shall become vested in said Village Corporation and be free

65 from all liens, mortgages and incumbrances theretofore cre-
66 ated by the Rumford Falls Light & Water Company, Union
67 Construction Company or the Virginia Spring Water Com-
68 pany. In case any vacancy occurs in said board of apprais-
69 ers, any justice of the Supreme Judicial Court shall appoint
70 a new appraiser and make such orders for hearing said
71 cause, and make such award as shall be necessary after due
72 hearing thereon.

Sect. 8. All valid contracts made in good faith existing
2 between said water companies and any person or corpor-
3 ation for supplying water within the towns named in Sec-
4 tion two, shall be assumed and carried out by the said Rum-
5 ford Falls Village Corporation.

Sect. 9. Said Rumford Falls Village Corporation, for the
2 purpose of carrying into full effect the provisions of this
3 act, in the constructing, equipping and fully maintaining the
4 water system herein named, and for purchasing the prop-
5 erty of the Rumford Falls Light & Water Company, Union
6 Construction Company and Virginia Spring Water Com-
7 pany, as mentioned in this act, may, at any legal meeting
8 of said corporation, called for that purpose, raise money
9 and issue its interest bearing negotiable notes temporarily,
10 and for the purpose of refunding the indebtedness so cre-
11 ated, may issue bonds registered or with interest coupons,
12 in such denomination and on such terms and rate of in-
13 terest as may be determined at said meeting, to an amount
14 necessary to carry in full effect the purpose of this act,

15 which taken together with any other indebtedness of said
16 Village Corporation, shall not exceed fifteen per centum of
17 the last regular valuation thereof. Said bond shall be
18 signed by the assessors and treasurer of said Village Cor-
19 poration, but the coupons need be signed by the treasurer
20 alone.

Sect. 10. The water system of said Village Corporation
2 shall be exempt from taxation.

Sect. 11. All incidental powers, rights and privileges nec-
2 essary to the accomplishment of the main object herein set
3 forth are granted to said Rumford Falls Village Corpor-
4 ation by this act.

Sect. 12. Said Village Corporation shall not proceed un-
2 der this act until it shall have been accepted by a majority
3 vote of the voters present at a meeting specially called for
4 this purpose.