

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 446

House of Representatives, Mar. 7, 1911.

Reported by Mr. Davies from Committee on Judiciary and ordered printed under joint rules.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Guilford Water District.

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

Section 1. The following territory and the people within
2 the same, namely, all that part of the town of Guilford
3 which lies in lots seven, eight and nine range one, and in
4 lots seven, eight and nine range two, and so much of lot six
5 range one as lies south of the north line of said lot six range
6 one and west of the Wharff road, so-called, and a line ex-
7 tended in the same course as said Wharff road to the center
8 of Piscataquis River; and that part of the town of Park-
9 man beginning at the northeast corner of land of S. O. Har-
10 rington on the town line between Guilford and Parkman,
11 thence south on his east line to his southeast corner, thence

12 west on his south line to the highway leading from Guilford
13 to Parkman; thence south on said highway to the southeast
14 corner of land of Charles A. Skillings, thence west on his
15 south line to his southwest corner, thence north on said Skil-
16 lings' west line and the west line of land of Walter Page to
17 the town line between Guilford and Parkman, thence east,
18 north and east on the town line between said Guilford and
19 Parkman to the point begun at, shall constitute a public mu-
20 nicipal corporation under the name of the Guilford Water
21 District for the purpose of supplying the inhabitants of said
22 district and the village of Sangerville through the pipes now
23 connected with the system of the Guilford Water Company
24 with pure water for domestic, sanitary and municipal pur-
25 poses. Said district may furnish said water through said
26 pipes on such terms and conditions as shall be agreed upon
27 between said district and the Sangerville Water Supply Com-
28 pany. The terms of said contract shall be based upon the
29 expense incurred at Bennett Pond from which said water
30 is taken and the expense in laying the main pipe from said
31 pond to the standpipe, the expense of the standpipe and the
32 cost of maintenance of the works at the pond, the main line
33 and said standpipe. Of all this expense, said Sangerville
34 Water Supply Company in its rental is to pay its propor-
35 tional part with the Guilford Water District based on the
36 number of faucets and hydrants in each town.

Sect. 2. Said Water District is hereby authorized and em-
2 powered to acquire by purchase the entire plant, property

3 and franchises, rights and privileges now held by the Guil-
4 ford Water Company within said district, including all lands,
5 rights of way, waters, water rights, dams, reservoirs, stand-
6 pipe, pipes, machinery, fixtures, hydrants, tools, and all ap-
7 paratus and appliances owned by said Guilford Water Com-
8 pany and used or usable in supplying water in said district
9 in accordance with the written contract entered into on the
10 10th day of August, one thousand nine hundred and ten, by
11 and between said Guilford Water Company and the inhabi-
12 tants of the town of Guilford.

Sect. 3. Said corporation is hereby given all the rights
2 granted to the said Guilford Water Company in taking water
3 from Bennett Pond in the town of Parkman, and the right
4 to maintain the dam at the outlet of said Bennett Pond, and
5 all the rights of flowage acquired by said Guilford Water
6 Company under its charter in taking water from said pond,
7 and is empowered to maintain all the present pipe lines where
8 said lines now are laid from said Bennett Pond to the village
9 of said Guilford, and the right to maintain all the present
10 pipe lines in the streets and highways in said district
11 wherever said lines are now laid, and to maintain all hy-
12 drants and other fixtures connected with said pipe lines or
13 hydrants, and to maintain the pipe lines to the standpipe, and
14 the right to maintain said standpipe, to replace, reconstruct or
15 repair all the same, and to lay new pipes to set new hydrants
16 and other fixtures necessary in the streets and highways in
17 said district wherever the same can be legally located when

18 deemed necessary or advisable, and may do all necessary
19 acts and things in said streets and highways or elsewhere
20 in said district for the aforesaid purposes.

Sect. 4. Said district is hereby authorized to take, hold,
2 divert, use and distribute water from said Bennett Pond for
3 the uses aforesaid, and for the purposes of its incorporation
4 is hereby authorized to take and hold as for public uses by
5 purchase or otherwise any land or interest therein for the
6 purpose of laying its pipes, and the right to lay in and
7 through the streets and highways within said district all such
8 pipes and hydrants as may be necessary and convenient for
9 its corporate purposes. Whenever said district shall lay any
10 pipes in any street or highway in said district it shall cause
11 the same to be done with as little obstruction as possible to
12 public travel, and shall at its own expense without unneces-
13 sary delay cause the earth removed by it to be replaced in
14 proper condition.

Sect. 5. Said district is hereby authorized for the purposes
2 of its incorporation to erect and maintain all dams, reservoirs
3 and structures necessary and convenient for its corporate
4 purposes. And as incident to the powers of said corpora-
5 tion it may supply persons, firms or corporations residing or
6 located beyond the limits of said district in the towns of Ab-
7 bot, Parkman and Guilford with water when and on such
8 terms as the board of trustees of said district may deter-
9 mine, and for this purpose said corporation shall have the
10 same rights and powers and be subject to the same duties and

11 obligations in the streets and highways in the territory sit-
12 uate outside of said district as is provided herein in the case
13 of the territory within said district.

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

Sect. 7. 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 with-
4 in thirty days after such consent is requested by said district,
5 the railroad commissioners shall determine the place, manner
6 and conditions of such crossing, and all work within the lim-
7 its of such railroad location shall be done under the super-
8 vision and to the satisfaction of such railroad company but
9 at the expense of the district.

Sect. 8. All valid contracts now existing and authorized
2 by the charter of the Guilford Water Company between said
3 Water Company and any person or corporation shall be as-
4 sumed and carried out by said Guilford Water District.

Sect. 9. All the affairs of said district shall be managed
2 by a board of trustees composed of three members to be
3 elected by a plurality vote of the legal voters within said
4 district at an election to be specially called and held therefor
5 within thirty days after the approval of this act by the legal
6 voters of said Guilford Water District. Such special elec-
7 tion shall be called, advertised and conducted according to
8 the law relating to municipal elections in said town of Guil-
9 ford. The result of such election shall be declared by the
10 municipal officers and due certificate thereof filed by the
11 town clerk thereof. The term of office of the trustees shall
12 begin on the first Monday of May in each year after the
13 approval of this act. As soon as convenient after the mem-
14 bers of such board have been chosen said trustees shall hold
15 a meeting at the town office in the town of Guilford and
16 organize by the election of a president and a clerk, adopt a
17 corporate seal, and when necessary may choose a treasurer
18 and all other needful officers and agents for the proper con-
19 duct and management of the affairs of said district. They
20 may also ordain and establish such by-laws as are necessary
21 for their own convenienc and the proper management of the
22 affairs of the district. At said first meeting the trustees so
23 elected shall determine by lot the term of office of each trus-
24 tee so that one trustee shall retire each year; and whenever
25 the term of office of a trustee expires his successor shall be
26 elected by a plurality vote by the legal voters of the said
27 water district; and for the purpose of such election a meet-

28 ing of said Water District shall be called and held on the
29 first Monday of May in each year, after the approval of this
30 act the same to be called in the manner hereinbefore pro-
31 vided for the first election of trustees. The trustees so elect-
32 ed shall serve the full term of three years, and in case any
33 vacancy arises in the membership of the board of trustees it
34 shall be filled in like manner for the unexpired term by spe-
35 cial election to be called by the municipal officers of the town
36 of Guilford. All such trustees shall be eligible to re-election
37 but no person holding a municipal office in said town of
38 Guilford shall be eligible to election as said trustees. Said
39 trustees may procure an office and incur such expenses as
40 may be necessary. Each member shall receive in full com-
41 pensation of his services an allowance of fifty dollars per an-
42 num. At the close of each fiscal year the trustees shall make
43 a detailed report of their doings, of the receipts and expendi-
44 tures of said Water District, of its financial and physical
45 condition, and of such other matters and things pertaining to
46 said district as shall show the inhabitants of said district
47 how said trustees are fulfilling the duties and obligations of
48 their trust, such reports to be made and filed with the municipi-
49 pal officers of the town of Guilford.

Sect. 10. 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 re-
5 funding the indebtedness so created, or 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 of
9 the Guilford Water Company as hereinbefore set out, and
10 paying any damages on account of taking any land or rights
11 in land or laying pipes, constructing, maintaining and operat-
12 ing a water plant, and making renewals, extensions, addi-
13 tions and improvements to the same, the said Water District
14 through its trustees may from time to time issue bonds of
15 the district to an amount or amounts necessary in the judg-
16 ment of the trustees therefor. Said notes and bonds shall
17 be legal obligations of said Water District which is hereby
18 declared to be a quasi municipal corporation within the
19 meaning of section 96 of chapter 47 of the Revised Stat-
20 utes, and all the provisions of said section shall be applicable
21 thereto. The said notes and bonds shall be legal invest-
22 ments for savings banks.

Sect. 11. 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:

1. To pay the current expenses for operating and main-
9 taining the water system, and to provide for such extensions
10 and renewals as may become necessary.

2. To provide for the payment of the interest on the indebtedness created or assumed by the district.

3. To provide each year a sum equal to not less than one nor more than five per cent of the entire indebtedness created or assumed by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district, or invested in such securities as savings banks are allowed to hold.

Sect. 12. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the public municipal corporation hereby created.

Sect. 13. This act shall take effect when approved by a majority vote of the legal voters of the said Guilford Water District, voting at an election to be specially called and held for the purpose on the first Saturday of September, one thousand nine hundred and eleven. Such special election shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Guilford Water District be accepted?" And the voters shall indicate by the written words "Yes" or "No" their opinion of the same. The result shall be declared by the selectmen and due certificate thereof filed by the town clerk with the Secretary of State.

In case this act is not approved by a majority vote of the
16 legal voters of said Guilford Water District at its first meet-
17 ing on the said first Saturday of September, one thousand
18 nine hundred and eleven, it may be approved at any subse-
19 quent meeting not later than the first day of October, one
20 thousand nine hundred and twelve, by a majority vote of
21 said voters, said subsequent meeting or meetings to be called,
22 advertised and conducted in the same manner as the meet-
23 ing on the first Saturday of September, one thousand nine
24 hundred and eleven.

Sect. 14. This act shall take effect when approved by the
2 Governor so far as is necessary to empower the calling and
3 holding of the election authorized in section 13.