

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 71

In Senate, Feb. 3, 1911.

Reported by Mr. Stearns from Committee on Judiciary and laid on table to be printed under joint rules.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to create the Bingham 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 Bingham, in the county of Somerset, beginning at a point on
4 the Kennebec River, at the Northerly line of said town of
5 Bingham, and extending Easterly along said Northerly line
6 of said town of Bingham, to the Easterly line of the "River
7 Tier" of lots in said Bingham; thence Southerly along said
8 Easterly line of said River tier of lots to the Southerly line
9 of the Ingram C. Pierce farm; thence Westerly along said
10 Southerly line of the Ingram C. Pierce farm to the Kenne-
11 bec River; thence Northerly by said Kennebec River to the

12 point of beginning, shall constitute a body politic and cor-
13 porate under the name of the Bingham Water District, for
14 the purpose of supplying the inhabitants of said district with
15 pure water for domestic, sanitary, manufacturing and mu-
16 nicipal purposes.

Sect. 2. Said corporation is hereby authorized for the pur-
2 pose aforesaid to take water from Jackson Pond, so called,
3 in the town of Concord, in said County of Somerset, or from
4 Austin Stream, so called, in said Bingham or in the town of
5 Moscow, or from the Kennebec River, to erect and maintain
6 pumping stations, with all the necessary appliances required
7 therefor, to erect and maintain reservoirs and standpipes,
8 and lay down and maintain pipes and aqueducts necessary
9 for the proper accumulating, conducting, discharging, dis-
10 tributing and disbursing water, and forming proper reser-
11 voirs therefor, and said corporation may take and hold by
12 purchase or otherwise any lands or real estate necessary
13 therefor, and may excavate through any lands when neces-
14 sary for the purpose of this corporation.

Sect. 3. Said water district shall be liable for all damage
2 that 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 excavating through any land for the pur-
5 pose of laying pipes, building dams or constructing reser-
6 voirs. If any person sustaining damages as aforesaid and
7 said corporation shall not mutually agree upon the sum to
8 be paid therefor, such person may cause his damages to be

9 ascertained 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. 4. Said water district is hereby authorized to lay in
2 and through the streets and highways thereof, and of the re-
3 maining portion of said town of Bingham, and the adjoining
4 towns of Concord and Moscow, and to take up, repair and
5 replace, all such pipes, aqueducts and fixtures as may be
6 necessary for the objects above set forth, and whenever said
7 district shall lay any pipes or aqueducts in any street or
8 highway, it shall cause the same to be done with as little
9 obstruction as possible to the public travel, and shall at its
10 own expense without unnecessary delay, cause the pave-
11 ment and earth removed by it to be replaced in proper con-
12 dition.

Sect. 5. Said water district is hereby authorized and em-
2 powered to acquire by purchase or by the exercise of the
3 right of eminent domain, which right is hereby expressly del-
4 egated to said water district for said purposes, any lands,
5 right of way, or any other interest in real estate which may
6 be required for the carrying out of the purposes of this cor-
7 poration.

Sect. 6. All the affairs of said water district shall be man-
2 aged by a board of trustees composed of three members to
3 be chosen by ballot by the legal voters within said water dis-
4 trict, the first election to be at the meeting of the legal voters
5 of said corporation to be called for the purpose of voting

6 upon the acceptance of this act, one to serve until the annual
7 meeting to be held in the year nineteen hundred and twelve,
8 one to serve until the annual meeting in the year nineteen
9 hundred and thirteen, and one to serve until the annual
10 meeting in the year nineteen hundred and fourteen. When-
11 ever the term of office of a trustee shall expire, the legal
12 voters of the said water district shall elect a successor to
13 serve for a full term of three years, and if any other vacancy
14 occur, it may be filled in like manner for the unexpired term.
15 The annual meeting for the election of officers shall be in the
16 month of July. As soon as is convenient after the board of
17 trustees has been chosen, the said trustees shall hold a meet-
18 ing and organize by the election of a chairman and clerk,
19 adopt a corporate seal, choose a treasurer and when neces-
20 sary may elect all other needful officers and agents for the
21 proper management of the affairs of said water district.

Each member shall receive in full compensation for his
23 service the sum of two dollars for each and every regular
24 and special meeting of said board at which he is in attend-
25 ance.

The said water district, at any legal meeting thereof called
27 for the purpose, may adopt such by-laws and provisions, not
28 inconsistent with the constitution and laws of this state and
29 of the United States, as they may deem expedient and
30 necessary for the good government and regulation of the
31 municipal affairs of said water district, in which case, such
32 by-laws and provisions so adopted shall apply to said water

33 district as fully, to all intents and purposes, as the other
34 provisions of this act, subject to alterations and additions
35 only by a two-thirds vote of the legal voters of said water
36 district present and voting at a legal meeting thereof called
37 for the purpose.

Sect. 7. For accomplishing the purposes of this act said
2 water district, through its trustees, is authorized to issue its
3 bonds to an amount sufficient to procure funds to pay the
4 expense incurred in the construction and installation of its
5 system of pipe lines, dams, reservoirs, pumping stations and
6 whatever equipment may be necessary or incidental to the
7 construction and installation of such system of water works,
8 and additions thereto, including the expense of taking by
9 purchase or otherwise, of lands, rights of way, or other in-
10 terests in real estate which may be necessary for the carry-
11 ing out of the purposes of this act. Said bonds shall be a
12 legal obligation of said water district, which is hereby de-
13 clared to be a quasi-municipal corporation, within the mean-
14 ing of Section ninety-six, Chapter forty-seven of the Revised
15 Statutes, and all the provisions of said section shall be ap-
16 plicable thereto. The said bonds shall be a legal investment
17 for savings banks.

Sect. 8. The Bingham Water District hereby created, is
2 hereby authorized and empowered to raise annually a sum
3 of money, which in the judgment of the board of trustees,
4 is sufficient to defray the expense of furnishing water in said
5 district for the purpose of fire protection, by taxation of the

6 legally taxable property within said district according to the
7 inventory of taxable property therein as rendered by the as-
8 sessors of said town of Bingham.

Sect. 9. All individuals, firms and corporations, whether
2 private, public, national or municipal, shall pay to the said
3 water 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 water district. Said
6 rates shall be so established as to provide resources for the
7 following purposes:

1. To pay the current running expenses for maintaining
9 the water system, and to provide for such extensions and
10 renewals as may become necessary.

2. To provide for payment of interest on the indebtedness
12 of the district.

3. To provide each year a sum equal to not less than one
14 nor more than five per cent. of the entire indebtedness of the
15 district, which sum shall be turned into a sinking fund to
16 provide for the final extinguishment of the funded debt.
17 The money set aside for the sinking fund shall be devoted
18 to the retirement of the obligations of the district or invested
19 in such securities as savings banks are allowed to hold.

Sect. 10. All the incidental powers, rights and privileges
2 necessary to the accomplishments of the main objects herein
3 set forth are granted to the corporation hereby created.

Sect. 11. This act shall take effect when accepted by a
2 majority vote of the legal voters within said water district,

3 at a meeting to be specially called and held for the purpose
4 on or before the first day of August, in the year nineteen
5 hundred and eleven, and the selectmen of the town of Bing-
6 ham are hereby authorized to call said meeting, and to make
7 and provide a separate check list of such of the voters
8 within said water district as are then legal voters of said
9 town, and all warrants issued to said town shall be varied
10 accordingly to show that only such voters within said dis-
11 trict are entitled to vote thereon. Such special meeting
12 shall be called, advertised and conducted according to the
13 law relating to municipal election, provided, however, that
14 the board of selectmen shall not be required to prepare, or
15 the town clerk to post a new list of voters.

The town clerk shall reduce the subject matter of this act to
17 the following question: Shall the act to incorporate the
18 Bingham Water District be accepted? and the voters shall
19 indicate by a cross placed against the words, Yes, and No,
20 their opinion of the same. The result shall be declared by
21 the selectmen of Bingham, and due certificate thereof filed
22 by the town clerk with the secretary of state. This act shall
23 take effect when approved by the Governor so far as is
24 necessary to empower the calling and holding of such meet-
25 ing.