

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 111

House of Representatives, Feb. 3, 1913.

*Reported by Mr. Wheeler from Committee on Legal Affairs
and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to create the Cherryfield Water District.

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

Section 1. The following described territory, and the people within the same, namely: So much of the town of Cherryfield, in the county of Washington, beginning on the west side of the Narraguagus River on the south line of the Sturgis Field, so-called, thence westerly on south line of said Sturgis Field, so-called, thence westerly on south line of said Sturgis Field to the highway leading to Milbridge, thence across said road, or highway to the south line of the Colson lot, so-called, thence following said Colson line and said Col-

10 son line extended westerly to the town line between said
11 Cherryfield and Steuben, thence northerly following said
12 town line to the line of the Washington County Railroad,
13 thence easterly following said railroad to the east line of
14 Judson M. Willey's land, thence northerly following said
15 Willey's line to the County Road leading to Franklin, thence
16 across said road and following the west line of land of the
17 heirs of Alexander and David W. Campbell to the Stillwater
18 Pond, thence easterly by said Stillwater Pond to the Dor-
19 man Creek on the east side of said Stillwater Pond, thence
20 in a straight line to the southwest corner of the John Thomp-
21 son pasture, so-called, thence following the south line of
22 said Thompson pasture, to the road leading from Cherry-
23 field to Deblois, thence in a straight line to the southwest
24 corner of the Richard Willey Cemetery, thence southerly in
25 a straight line to the southeast corner of the A. B. Willey
26 field, so-called, on the road leading to the Willey District,
27 thence in a straight line to the northwest corner of the town
28 of Milbridge, thence following the town line of Milbridge
29 southerly to the Narraguagus River, thence by said river
30 northerly to the point of beginning, shall constitute a body
31 politic and corporate under the name of the Cherryfield
32 Water District, for the purpose of supplying the inhabitants
33 of said district and persons or parties adjacent to said dis-
34 trict with pure water for domestic, sanitary, manufacturing
35 and municipal purposes.

Sect. 2. Said corporation is hereby authorized for the pur-

2 pose aforesaid to take water from Schoodic Pond, so-called,
3 in the towns of Cherryfield and Columbia and Township
4 number eighteen, in Washington County, State of Maine,
5 to erect and maintain reservoirs and standpipes, and lay
6 down and maintain pipes and aqueducts necessary for the
7 proper accumulating, conducting, discharging, distributing
8 and disbursing water, and forming proper reservoirs there-
9 for, and said corporation may take and hold by purchase or
10 otherwise any lands or real estate necessary therefor, and
11 may excavate through any lands when necessary for the
12 purpose of this corporation.

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

Sect. 4. Said water district is hereby authorized to lay
2 in and through the streets and highways thereof, and of the
3 remaining portion of said town of Cherryfield, the said town
4 of Deblois adjoining said Cherryfield, said town of Colum-

5 bia, and said township number eighteen, and to take up, re-
6 pair and replace, all such pipes, aqueducts and fixtures as
7 may be necessary for the objects set forth as above, and
8 whenever said district shall lay any pipes or aqueducts in
9 any street or highway, it shall cause the same to be done
10 with as little obstruction as possible to the public travel, and
11 shall at its own expense without unnecessary delay, cause
12 the pavement and earth removed by it to be replaced in prop-
13 er condition.

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
4 delegated 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, whenever said legal voters shall, at a
6 meeting called for that purpose, accept this act, one to serve
7 until the first annual meeting of said corporation, next after
8 the acceptance of this act, one to serve until the second an-
9 nual meeting of said corporation, next after the acceptance
10 of this act, and one to serve until the third annual meeting
11 of this corporation, next after the acceptance of this act.

12 Whenever the term of office of a trustee shall expire, the
13 legal voters of said water district shall elect a successor to
14 serve for a full term of three years, and if any other vacancy
15 occur, it may be filled in like manner for the unexpired term.
16 The annual meeting for the election of officers shall be in
17 the month of April, as soon as is convenient after the board
18 of trustees has been chosen, the said trustees shall hold a
19 meeting and organize by the election of a chairman and
20 clerk, adopt a corporate seal, choose a treasurer and when
21 necessary may elect all other needful officers and agents for
22 the proper management of the affairs of said water district.

Each member shall receive in full compensation for his ser-
24 vices the sum of two dollars for each and every regular and
25 **special meeting** of said board at which he is in attendance.

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 nec-
30 essary for the good government and regulation of the mu-
31 nicipal affairs of said water district, in which case, such by-
32 laws and provisions so adopted shall apply to said water
33 district as fully, to all intents and purposes, as the other pro-
34 visions of this act, subject to alterations and additions only
35 by a two-thirds vote of the legal voters of said water dis-
36 trict 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 car-
11 rying out of the purposes of this act.

Said bonds shall be a legal obligation of said water district,
13 which is hereby declared to be a quasi-municipal corpora-
14 tion, within the meaning of section ninety-six, chapter forty-
15 seven of the Revised Statutes and all the provisions of said
16 section shall be applicable thereto.

Sect. 8. The Cherryfield 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, is
4 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 therein as rendered by the assessors
7 of said town of Cherryfield.

Sect. 9. All individuals, firms and corporations, whether
2 public, private, national or municipal, shall pay to said water
3 district the rates established by said board of trustees for the
4 water used by them, and said rates shall be uniform within
5 the territory supplied by the water district. Said rates shall

6 be so established as to provide resources for the following
7 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 indebted-
12 ness 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 accomplishment 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 any special meeting called and held for that purpose, and
4 the selectmen of the town of Cherryfield are hereby author-
5 ized to call said meeting, or any subsequent meeting for that
6 purpose, and to make and provide a separate check list of
7 such voters (within said water district as are then legal
8 voters) of said town, and all warrants issued to said town
9 shall be varied accordingly to show that only such voters
10 within said district are entitled to vote thereon. Such spe-

11 cial meeting, or meetings, shall be called, advertised and
12 conducted according to the law relating to municipal election,
13 provided however, that the board of selectmen shall not be
14 required to prepare, or the town clerk to post a new list of
15 voters.

The town clerk shall reduce the subject matter of this act
17 to the following question:

Shall the act to incorporate the Cherryfield Water District
19 be accepted? and the voters shall indicate by a cross placed
20 against the words, Yes, and No, their opinion of the same.

The result shall be declared by the selectmen of Cherryfield
22 and due certificate thereof filed by the town clerk with the
23 Secretary of State.