

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 422

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*In Senate, March 23, 1915.*

*Reported by Sen. Walker from Committee on Legal Affairs,  
and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to create the Anson Water District.

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*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 shall constitute a body politic and corporate under the name of the Anson Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary and municipal purposes: So much of the town of Anson, in Somerset county, as is bounded on the north by the north line of said town; on the east by the Kennebec river; on the south by the south line of said town; on the west by a straight line extending

10 southerly, but not exactly south, from the point where the  
11 west line of the Great Embden pond road intersects the north  
12 line of said town to the point where the east line of Otis M.  
13 Hilton's farm in said Anson intersects the south line of said  
14 town.

Sect. 2. Said corporation is hereby authorized for the  
2 purposes aforesaid, to take water from Great Embden pond  
3 and to have co-equal rights in said Great Embden pond with  
4 the Madison Water Company or to take water from Han-  
5 cock pond, or from Sand pond, or from Black Hill pond,  
6 in said Embden, or from the Mill stream in said Embden  
7 or Anson, or from Marshall's pond in said Anson; to erect  
8 and maintain pumping stations with all the necessary appli-  
9 ances required therefor; to erect and maintain reservoirs  
10 and standpipes; to lay down and maintain pipes and aque-  
11 ducts necessary for the proper accumulating, conducting,  
12 discharging, distributing, and disbursing water, and form-  
13 ing proper reservoirs therefor. Said corporation may take  
14 and hold by purchase or otherwise any lands or real estate  
15 necessary therefor, and may excavate through any lands  
16 when necessary for the purposes of this corporation, within  
17 or without the limits of said district.

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 or water or by flowage  
4 or by excavating through any land for the purpose of laying  
5 pipes, building dams or constructing reservoirs. If any

6 person sustaining damages as aforesaid and said corpora-  
7 tion shall not mutually agree upon the sum to be paid there-  
8 for, such person may cause his damages to be ascertained  
9 and determined in the same manner and under the same  
10 conditions, restrictions, and limitations as are or may be  
11 prescribed in the case of damages by 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 of said water dis-  
3 trict, and of the remaining portion of said town of Anson,  
4 and of the adjoining town of Embden, and to take up, repair,  
5 and replace all such pipes, aqueducts, and fixtures as may  
6 be necessary for the objects above set forth; and whenever  
7 said district shall lay any pipes or aqueducts in any street  
8 or 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 and 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  
4 delegated to said water district for said purposes, any land,  
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  
7 corporation.

Sect. 6. All the affairs of said water district shall be

2 managed by a board of trustees composed of three mem-  
3 bers, who are residents and voters in said district, to be  
4 chosen by ballot by the legal voters within said water dis-  
5 trict, the first election to be at the meeting of the legal voters  
6 of said corporation to be called for the purpose of voting  
7 upon the acceptance of this act, one to serve until the annual  
8 meeting to be held in the year 1916, one to serve until the  
9 annual meeting of the year 1917, and one to serve until the  
10 annual meeting in the year 1918. Whenever the term of  
11 office of a trustee shall expire by his removal from the  
12 water district or otherwise, the legal voters of the said water  
13 district shall elect a successor to serve for a full term of  
14 three years; and if any other vacancy occur, it may be filled  
15 in like manner for the unexpired term. The annual meet-  
16 ing for the election of officers shall be in the month of July.  
17 As soon as is convenient after the board of trustees has  
18 been chosen, the said trustees shall hold a meeting and  
19 organize by the election of a chairman and clerk, adopt a  
20 corporate seal, choose a treasurer, and all other needful  
21 officers and agents for the proper management of the affairs  
22 of said water district. Each member shall receive in full  
23 compensation for his services the sum of two dollars for  
24 each and every regular and special meeting of said board  
25 at which he is in attendance. The said water district, at  
26 any legal meeting thereof called for the purpose may adopt  
27 such by-laws and provisions, not inconsistent with the con-  
28 stitution and laws of this state and of the United States,

29 as they may deem expedient and necessary for the good  
30 government and regulation of the affairs of said water dis-  
31 trict, in which case, such by-laws and provisions so adopted  
32 shall apply to said water district as fully, to all intents and  
33 purposes, as the other provisions of this act, subject to  
34 alterations and additions, only by a two-thirds vote of the  
35 legal voters of said water district present and voting at a  
36 legal meeting thereof called 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,  
6 and whatever equipment may be necessary or incidental to  
7 the construction and installation of such system of water  
8 works and additions thereto, including the expense of taking  
9 by purchase or otherwise, lands, rights of way, or other  
10 interests 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 declared  
13 hereby to be a quasi-municipal corporation, within the mean-  
14 ing of section ninety-six, chapter forty-seven of the revised  
15 statutes of 1903, and all of the provisions of said section  
16 and all acts additional thereto and amendatory thereof shall  
17 be applicable thereto. Said bonds shall be a legal invest-  
18 ment for savings banks, and may be issued immediately after  
19 the legal organization of this corporation.

Sect. 8. All individuals, firms and corporations, whether  
2 private, public, municipal or national, 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 extension 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  
15 the district, which sum shall be turned into a sinking fund  
16 to 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 in-  
19 vested in such securities as savings banks are allowed to  
20 hold.

4. If in any year there be a deficit, the water district may  
22 raise by assessment such sum of money as may be neces-  
23 sary and sufficient to liquidate such deficit. All money  
24 raised by said water district for the purposes aforesaid  
25 shall be assessed upon the property within the aforesaid  
26 territory by the trustees of said corporation, in the same  
27 manner as is provided by law for the assessment of county

28 and town taxes; and said trustees shall fix the valuation  
29 of said property so to be assessed by them, and may abate  
30 any tax by them so assessed, or abate any part of any tax  
31 by them so assessed.

5. Upon a certificate being filed with the trustees of said  
33 water district by the clerk thereof, of the amount of money  
34 raised at any meeting of the water district for the purposes  
35 aforesaid, it shall be the duty of said trustees, as soon as  
36 may be, to assess said amount upon the estate of persons  
37 residing within the territory of said water district, and upon  
38 the estate of non-resident proprietors thereof, and to certify  
39 and deliver to the treasurer of said water district a list of  
40 said assessments, whose duty it shall be to collect the same  
41 in like manner as county and town taxes are collected by  
42 towns, and said water district shall have power to direct the  
43 mode of collection of said taxes as towns have in the col-  
44 lection of town taxes.

Sect. 9. All the incidental powers, rights, and privileges  
2 necessary to the establishment of the main object herein set  
3 forth are granted to the corporation hereby created.

Sect. 10. This act shall take effect when accepted by a  
2 majority of the legal voters within said water district, at  
3 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 fifteen. The selectmen of the town of Anson are  
6 hereby authorized to call said meeting, and to make and  
7 provide a separate check list of such legal voters as are then



8 within said water district, meaning such legal voters of the  
9 town of Anson as then reside within said district; and all  
10 warrants issued to said town shall be varied accordingly to  
11 show that only such voters within said district are entitled  
12 to vote thereon. Such special meetings shall be called, ad-  
13 vertised, and conducted according to the law relating to  
14 municipal elections, provided, however, that the board of  
15 selectmen shall not be required to prepare or the town clerk  
16 to post a new list of voters. The town clerk shall reduce  
17 the subject matter of this act to the following question:  
18 Shall the act to incorporate the Anson Water District be  
19 accepted? The voters shall indicate by a cross placed against  
20 the word Yes or No their opinion of the same. The result  
21 shall be declared by the selectmen of Anson, and due certifi-  
22 cate thereof shall be filed by the town clerk with the secre-  
23 tary of state.

Sect. 11. Chapter ninety-seven of the private and special  
2 laws of eighteen hundred ninety-one, so far as relates to  
3 the town of Anson, is hereby repealed.

Sect. 12. Section two of chapter one hundred seventy-six  
2 of the private and special laws of nineteen hundred and  
3 thirteen is hereby amended so as to read as follows:

'Sect. 2. For the purposes aforesaid, said corporation may  
5 flow, detain, collect, take, store, use and distribute water  
6 from the Kennebec river, Madison pond or Hayden lake,  
7 so called, in Madison, Embden pond in Embden, and any  
8 of the tributary lakes or streams thereof, and may locate,

9 construct, and maintain cribs, dams, reservoirs, locks, gates,  
10 sluices, aqueducts, pipes, hydrants, and all other necessary  
11 structures therefor. But the Anson Water District shall  
12 have co-equal rights with said Madison Water Company  
13 under this section, so far as relates to Embden pond in  
14 Embden, and any of the tributary lakes or streams thereof.'

Sect. 13. This act shall take effect when approved by the  
3 governor, so far as is necessary to empower the calling and  
4 holding of such meeting.