

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 23

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*House of Representatives, Jan. 24, 1917.*

*Referred to Committee on Public Utilities, five hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Holt of Skowhegan.*

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STATE OF MAINE

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

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AN ACT to incorporate Skowhegan Water District.

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

Section 1. The following territory in the town of Skowhegan and the people within the same, namely:—Commencing on the east side of Madison avenue at Cole brook where the south line of the Palmer farm, so called, now owned by Cyrus Newton, intersects the east line of said avenue; thence east on the south line of said Palmer farm to the southeast corner thereof; thence in a straight line to the east side of road leading from Skowhegan to Athens past the Catholic cemetery where it is intersected by the

10 south line of the Dr. Mann farm, so called; thence east  
11 along the south line of said Dr. Mann farm to the south-  
12 east corner thereof; thence in a straight line to the north-  
13 east corner of land of Skowhegan Water Company; thence  
14 along the east line of land of said Skowhegan Water Com-  
15 pany and continuing the same course to Kennebec river  
16 at the Great Eddy; thence down said river to the west line  
17 of the farm of George H. Weston; thence along the west  
18 line of said farm to the river road leading to Waterville;  
19 thence along the east line of Edgewood Park, so called,  
20 to the southeast corner thereof; thence along the south line  
21 of said Edgewood Park and land of Joseph Maxwell to  
22 the road leading from the river road to Waterville to the  
23 middle road to Waterville; thence along said road to the  
24 south line of the field of Ella M. Pooler; thence westerly  
25 along the south line of said field to the west line thereof;  
26 thence northerly to the run that extends westerly at the  
27 foot of the hill south of land of Charles Folsom-Jones;  
28 thence along said run crossing the Middle Road, so called,  
29 at the culvert at the foot of the hill and continuing along  
30 said run at the foot of the hill south of land of Henry  
31 Varney to Currier brook, so called; thence southerly up  
32 said Currier brook to a point in or opposite the north line  
33 of the brick kiln property owned by Horace Purinton &  
34 Company; thence along the north line of said brick kiln  
35 property to the back road leading to Waterville; thence  
36 along the south line of land of Lewis A. Caswell to the

37 southwest corner thereof; thence in a straight line parallel  
38 with Bloomfield street to the east line of land of M. S.  
39 Osborn; thence northerly along said Osborn's east line  
40 which is near the line of poles of the Central Maine Power  
41 Company to the Kennebec river; thence down said Ken-  
42 nebec river to a point where the line of said Central Maine  
43 Power Company crosses to the north bank of the Kenne-  
44 bec river; thence along said line of poles of said Central  
45 Maine Power Company to the highway leading from Skow-  
46 hegan to Norridgewock; thence easterly along said high-  
47 way to the east line of lot sixty-three; according to Thomas  
48 Farrington's plan; thence northerly along the east line of  
49 said lot sixty-three to a point where the line of the Central  
50 Maine Power Company crosses said east line of lot sixty-  
51 three; thence along the line of poles of said Central Maine  
52 Power Company to the south line of said Palmer farm;  
53 thence easterly along the south line of said Palmer farm  
54 to the point of beginning; shall constitute a body politic  
55 and corporate under the name of Skowhegan Water Dis-  
56 trict, for the purpose of supplying the inhabitants of said  
57 district with pure water for domestic and municipal pur-  
58 poses.

Sect. 2. Said district for the purposes of its incorpora-  
2 tion is hereby authorized to take and hold by purchase or  
3 otherwise sufficient water of the Kennebec river or from  
4 any lake or pond located wholly or partly in the towns of  
5 Canaan, Athens, Embden, excepting Hancock pond in said

6 Embden, Smithfield, Madison or Skowhegan any river or  
7 stream in any of said towns or from wells or reservoirs  
8 therein and may take and hold by purchase or otherwise,  
9 any land or real estate therein or water rights necessary  
10 for dams, for flowage, for power, for pumping its water  
11 supply through its mains, for reservoirs, for preserving the  
12 purity of the water and water shed, for laying and main-  
13 taining aqueducts and other structures, for taking, dis-  
14 tributing, discharging and disposing of water and for rights  
15 of way or roadways, to its sources of supply, dams, power  
16 stations, reservoirs, mains, aqueducts, structures and lands.

Sect. 3. 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,  
4 or by flowage, or by 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  
8 be paid therefor, such person may cause his damages to  
9 be ascertained 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 district is hereby authorized to lay in and  
2 through the streets and highways thereof, and to take up,  
3 repair and replace all such pipes, aqueducts and fixtures  
4 as may be necessary for the objects above set forth, and

5 whenever said district shall lay any pipes or aqueducts in  
6 any street or highway it shall cause the same to be done  
7 with as little obstruction as possible to the public travel,  
8 and shall at its own expense without unnecessary delay  
9 cause the earth and pavement removed by it to be replaced  
10 in proper condition.

Sect. 5. All the affairs of said district shall be managed  
2 by a board of trustees composed of three members, who  
3 shall be elected by a plurality vote of the legal voters within  
4 said water district at an election to be specially called and  
5 held therefor on the fourth Tuesday in July, nineteen hun-  
6 dred and seventeen. Such special election shall be called,  
7 advertised and conducted according to the law relating to  
8 municipal elections in said town of Skowhegan.

The result of such election shall be declared by the munici-  
2 pal officers and due certificate thereof filed with the town  
3 clerk thereof. The term of office of the trustees shall be-  
4 gin on the said fourth Tuesday of July. As soon as con-  
5 venient after members of said board have been chosen, said  
6 trustees shall hold a meeting at the selectmen's office in  
7 said town of Skowhegan and organize by the election of  
8 a president and clerk, adopt a corporate seal and when  
9 necessary may choose a treasurer and all other needful  
10 officers and agents for the proper conduct and management  
11 of the affairs of said district. They may also ordain and  
12 establish such by-laws as are necessary for their own con-  
13 venience and the proper management of the affairs of said

14 district. At said first meeting the trustees so elected shall  
15 determine by lot the term of office of each trustee so that  
16 one trustee shall retire each year and whenever the term  
17 of office of a trustee expires his successor shall be elected  
18 by a plurality vote by the legal voters of the said water  
19 district, and for the purpose of such election a meeting of  
20 said water district shall be called and held on the fourth  
21 Tuesday of July in each year, the same to be called in the  
22 manner hereinbefore provided for the first election of trus-  
23 tees. The trustees so elected shall serve the full term of  
24 three years; and in case a vacancy arises in the member-  
25 ship of the board of trustees it shall be filled in like manner  
26 for the unexpired term, by special election to be called by  
27 the municipal officers of the town of Skowhegan. All such  
28 trustees shall be eligible to re-election but no person holding  
29 a municipal office in said town of Skowhegan shall be eligi-  
30 ble to election as trustee. Said trustees may procure an  
31 office and incur such expenses as may be necessary. Each  
32 member shall receive in full compensation of his service  
33 the sum of two dollars for each and every regular and spe-  
34 cial meeting of said board at which he is in attendance.

At the close of each fiscal year the trustees shall make  
2 a detailed report of their doings, of the receipts and ex-  
3 penditures of said water district, of its financial and physi-  
4 cal condition and of such other matters and things pertain-  
5 ing to said district as shall show the inhabitants of said  
6 district how said trustees are fulfilling the duties and obli-

7 gations of their trust, such reports to be made and filed  
8 with the municipal officers of the town of Skowhegan on  
9 or before the first day of February of each year. The re-  
10 port of said trustees shall be printed by the municipal offi-  
11 cers of the town of Skowhegan in their yearly report.

Sect. 6. Said water district is hereby authorized and em-  
2 powered to acquire by purchase or by exercise of the right  
3 of eminent domain, which right is hereby expressly dele-  
4 gated to said district for said purpose, the entire plant,  
5 properties, franchises, rights and privileges of the Skow-  
6 hegan Water Company, except its cash assets, including  
7 all lands, waters, water rights, dams, structures, reservoirs,  
8 pipes, machinery, fixtures, hydrants, tools and all appara-  
9 tus and appliances owned by said company and used or  
10 usable in supplying water in said district.

The said water company is hereby authorized to sell and  
2 transfer its franchises and properties to said water district.

Sect. 7. In case said trustees fail to agree with said  
2 Skowhegan Water Company upon the terms of purchase  
3 of the above mentioned property on or before November  
4 first, nineteen hundred and seventeen, said water district  
5 through its trustees is hereby authorized to take said plant,  
6 property and franchises as for public uses by petition there-  
7 for in the manner hereinafter provided. And said water  
8 district through its trustees is hereby authorized on or be-  
9 fore December first, nineteen hundred and seventeen, to  
10 file a petition in the clerk's office of the supreme judicial



11 court for the county of Somerset in term time or in vaca-  
12 tion addressed to any justice of said court, who after notice  
13 to said Skowhegan Water Company and its mortgagees,  
14 shall after hearing and within thirty days after the filing  
15 of said petition appoint three disinterested appraisers none  
16 of whom shall be residents of the county of Somerset, one  
17 of whom shall be learned in the law, for the purpose of  
18 fixing the valuation of said plant, property and franchises.  
19 The said appraisers shall have the power of compelling  
20 attendance of witnesses and the production of books and  
21 papers pertinent to the issue, and may administer oaths;  
22 and any witness, or person in charge of such books or  
23 papers, refusing to attend, or to produce the same, shall  
24 be subject to the same penalties and proceedings, so far  
25 as applicable as witnesses summoned to attend the supreme  
26 judicial court. The appraisers so appointed shall after due  
27 notice and hearing fix the valuation of said plant, property  
28 and franchises at what they are fairly and equitably worth,  
29 so that the said Skowhegan Water Company shall receive  
30 just compensation for all the same. The first day of July,  
31 nineteen hundred and eighteen, shall be the date as of which  
32 the valuation aforesaid shall be fixed, from which day, in-  
33 terest on said award shall run and all net rents and profits  
34 accruing thereafter shall belong to said water district. The  
35 report of said appraisers or of a majority of them, shall  
36 be filed in said clerk's office in term time or vacation within  
37 six months after their appointment, and such single jus-

38 tice, or in case of his inability to act then any justice des-  
39 igned for the purpose by the chief justice, may, after  
40 notice and hearing, confirm or reject the same, or recom-  
41 mit it if justice so requires. The award of the appraisers  
42 shall be conclusive as to valuations. Upon the confirmation  
43 of said report the court so sitting shall thereupon, after  
44 hearing, make final decree upon the entire matter, includ-  
45 ing the application of the purchase money, discharge of  
46 incumbrances and transfer of the property, jurisdiction over  
47 which is hereby conferred, with the same power to enforce  
48 said decree as in equity cases. Upon request of either party  
49 the justice so making such final decree shall make separate  
50 findings of law and fact. All such findings of fact shall  
51 be final, but either party aggrieved may take exceptions to  
52 any rulings of law so made, the same to be accompanied  
53 only by such parts of the case as are necessary to a clear  
54 understanding of the questions raised thereby. Such ex-  
55 ceptions shall be claimed on the docket within ten days  
56 after such final decree is signed, entered and filed, and  
57 notice thereof has been given by the clerk to the parties,  
58 or their counsel, and said exceptions so claimed shall be  
59 made up, allowed and filed within said time unless further  
60 time is granted by the court or by agreement of parties.  
61 They shall be entered at the next term of the law court to  
62 be held after the filing of said decree and there heard,  
63 unless otherwise agreed, or the law court shall for good  
64 cause order a further time for hearing thereon. Upon such

65 hearing the law court may confirm, reverse or modify the  
66 decree of the court below, or remand the cause for fur-  
67 ther proceedings as it seems proper. During the pendency  
68 of such exceptions the cause shall remain on the docket  
69 of the court below marked "law" and decree shall be en-  
70 tered thereon by a single justice in term time or in vaca-  
71 tion, in accordance with the certificate and opinion of the  
72 law court. Before said plant, property and franchises are  
73 transferred in accordance with such final decree, and be-  
74 fore the payment therefor, the court sitting in said county  
75 of Somerset, by a single justice thereof as hereinbefore  
76 provided, shall, upon motion of either party, after notice  
77 and hearing, take account of all receipts and expenditures  
78 properly had or incurred by the Skowhegan Water Com-  
79 pany belonging to the period from and after July first,  
80 nineteen hundred and eighteen, and all the net rents and  
81 profits accruing thereafter and shall order the net balance  
82 due to either party to be added to or deducted from the  
83 amount to be paid under said final decree, as the case may  
84 be. All findings of law or fact by such single justice at  
85 such hearing shall be final. On payment or tender by said  
86 district of the amount so fixed and the performance of all  
87 other terms and conditions so imposed by the court, said  
88 entire plant, property and franchises shall become vested  
89 in said water district and be free from all liens, mortgages  
90 and incumbrances theretofore created by the Skowhegan  
91 Water Company. After the filing of said petition it shall

92 not be discontinued or withdrawn by said water district,  
93 and the said Skowhegan Water Company may thereafter-  
94 wards on its part cause said valuation to be made as herein  
95 provided, and shall be entitled to appropriate process to  
96 compel said water district to perform the terms of the final  
97 decree, and to pay for said plant, property and franchises  
98 in accordance therewith.

Sect. 8. All valid contracts now existing between the  
2 Skowhegan Water Company and any persons or corpora-  
3 tions for supplying water within said district, shall be as-  
4 sumed and carried out by said Skowhegan Water District.

Sect. 9. 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-bear-  
4 ing negotiable notes of the district, and for the purpose of  
5 refunding the indebtedness so created, of 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  
9 of the Skowhegan Water Company, by purchase or other-  
10 wise, of securing sources of supply, taking water and land,  
11 paying damages, laying pipes, constructing, maintaining and  
12 operating a water plant, and making renewals, extensions,  
13 additions and improvements to the same; the said water  
14 district, through its trustees, may from time to time issue  
15 bonds of the district, to an amount 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 ninety-six, of chapter forty-seven of  
20 the revised statutes, and all the provisions of said section  
21 shall be applicable thereto. The said notes and bonds shall  
22 be legal investments for savings banks.

Sect. 10. 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.

I. To pay the current running expenses for maintaining  
2 the water system and provide for such extensions and re-  
3 newals as may become necessary.

II. To provide for payment of the interest on the indebt-  
2 edness of the district.

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

IV. If any surplus remains at the end of the year it may  
2 be turned into the sinking fund.

Sect. 11. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sect. 12. This act shall take effect when approved by a majority vote of the legal voters within said district voting at an election to be specially called and held for the purpose on the third Monday of July, nineteen hundred and seventeen. The board of registration shall make and provide a separate check list of such of the voters within said district as are then legal voters of said town and all warrants issued to said town shall be varied accordingly to show that only such voters therein are entitled to vote hereon. Such special election, shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration shall not be required to prepare or the town clerk to post a new list of voters and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Skowhegan Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the selectmen

25 of Skowhegan and due certificate thereof filed by the town  
26 clerk with the secretary of state.

Sect. 13. Sections two, three and four of this act shall  
2 be inoperative, null and void, unless the said water district  
3 shall first acquire by purchase, or by the exercise of the  
4 right of eminent domain as in this act provided, the plant,  
5 property and franchises, rights and privileges now held by  
6 the Skowhegan Water Company within said district.

Sect. 14. All costs and expenses arising under the pro-  
2 visions of this act shall be paid and borne as directed by  
3 the court in the final decree provided by section seven.

Sect. 15. This act shall take effect in ninety days after  
2 the final adjournment of the Legislature, so far as neces-  
3 sary to empower the calling and holding of the elections  
4 authorized in Section 5 as herein provided for.