

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 212

House of Representatives, Feb. 9, 1917.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Harris of Boothbay Harbor.

STATE OF MAINE

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

AN ACT to incorporate the Boothbay Harbor Water District.

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

Section 1. The territory and the people of the town of
2 Boothbay Harbor, excepting the island known as the Isle of
3 Springs and the territory comprised within the limits of Bay-
4 ville village corporation; shall constitute a body politic and
5 corporate under the name of Boothbay Harbor Water Dis-
6 trict, for the purpose of supplying the inhabitants of said
7 district and others that the town of Boothbay Harbor is
8 supplying or authorized to supply with pure water for do-
9 mestic and municipal purposes.

Sect. 2. Said district for the purposes of its incorporation
2 is hereby authorized to take and hold by purchase or other-
3 wise sufficient water from any lake or pond located in the
4 towns of Boothbay, Boothbay Harbor and Southport, or
5 any stream in any of said towns or from wells or reser-
6 voirs therein and may take and hold by purchase or other-
7 wise, any land or real estate therein or water rights neces-
8 sary for dams, for flowage, for power, for pumping its
9 water supply through its mains, for reservoirs, for preserv-
10 ing the purity of the water and water shed, for laying and
11 maintaining aqueducts and other structures, for taking, dis-
12 tributing, discharging and disposing of water and for rights
13 of way or roadways, to its sources of supply, dams, power
14 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 reser-
6 voirs. 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 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 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 as
4 may be necessary for the objects above set forth, and when-
5 ever said district shall lay any pipes or aqueducts in any
6 street or highway it shall cause the same to be done with
7 as little obstruction as possible to the public travel, and shall
8 at its own expense without unnecessary delay cause the
9 earth and pavement removed by it to be replaced in proper
10 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 or before the first Monday in January
6 nineteen hundred and nineteen. Such special election shall
7 be called, advertised and conducted according to the law
8 relating to municipal elections in said town of Boothbay
9 Harbor.

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. As soon as convenient after members of said
4 board have been chosen, said trustees shall hold a meeting
5 and organize by the election of president and clerk, adopt
6 a corporate seal and when necessary may choose a treasurer
7 and all other needful officers and agents for the proper con-
8 duct and management of the affairs of said district. They
9 may also ordain and establish such by-laws as are necessary
10 for their own convenience and the proper management of

11 the affairs of said district. At said first meeting the trus-
12 tees so elected shall determine by lot the term of office of
13 each trustee so that one trustee shall retire each year and
14 whenever the term of office of a trustee expires his suc-
15 cessor shall be elected by a plurality vote by the legal voters
16 of the said water district, and for the purpose of such elec-
17 tion a meeting of said water district shall be called and held
18 on the fourth Tuesday of June in each year, the same to
19 be called in the manner hereinbefore provided for the first
20 election of trustees. The trustees so elected shall serve the
21 full term of three years; and in case a vacancy arises in the
22 membership of the board of trustees it shall be filled in like
23 manner for the unexpired term, by special election to be
24 called by the municipal officers of the town of Boothbay
25 Harbor. Said trustees may procure an office and incur such
26 expenses as may be necessary. Each member shall receive
27 in full compensation of his service the sum of two dollars
28 for each and every regular and special meeting of said board
29 at which he is in attendance.

At the close of each fiscal year the trustees shall make a
2 detailed report of their doings, of the receipts and expendi-
3 tures of said water district, of its financial and physical con-
4 dition and of such other matters and things pertaining to
5 said district as shall show the inhabitants of said district
6 how said trustees are fulfilling the duties and obligations
7 of their trust, such reports to be made and filed with the
8 municipal officers of the town of Boothbay Harbor on or

9 before the first day of July of each year. The report of
10 such trustees shall be printed by the municipal officers of
11 the town of Boothbay Harbor in the annual report of said
12 town.

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 water plant,
5 properties, franchises, rights and privileges of the town of
6 Boothbay Harbor, except its cash assets, including all lands,
7 waters, water rights, dams, structures, reservoirs, pipes, ma-
8 chinery, fixtures, hydrants, tools and all apparatus and appli-
9 ances owned by said town and used or usable in supplying
10 water in said district.

The said town of Boothbay Harbor is hereby authorized
2 to sell and transfer its water franchises and properties to
3 said water district.

Sect. 7. Said water district shall pay to the town of Booth-
2 bay Harbor for such franchises and properties the amount
3 which the engineers now appraising said property, under
4 order issued by the Public Utilities Commission shall fix as
5 its value, and in addition thereto such sum or sums as the
6 town may expend for extensions, improvements or other
7 property after said appraisal and before this act is approved
8 by vote of the people residing within the water district.
9 On payment or tender by said district of the amount so fixed
10 and the performance of all other terms and conditions said

11 entire plant, property and franchises shall become vested in
12 said water district and be free from all liens, mortgages and
13 incumbrances, theretofore created by the town of Boothbay
14 Harbor.

Sect. 8. All valid contracts now existing between the town
2 of Boothbay Harbor and any persons or corporations for
3 supplying water, shall be assumed and carried out by said
4 Boothbay Harbor 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 town of Boothbay Harbor, of securing sources of
10 supply, taking water and land, paying damages, laying pipes,
11 constructing, maintaining and operating a water plant, and
12 making renewals, extensions, additions and improvements
13 to the same; the said water district, through its trustees,
14 may from time to time issue bonds of the district to an
15 amount necessary in the judgment of the trustees therefor.
16 Said notes and bonds shall be legal obligations of said water
17 district, which is hereby declared to be a quasi municipal
18 corporation within the meaning of section ninety-six, of
19 chapter forty-seven of the revised statutes, and all the pro-

visions of said section shall be applicable thereto. The said
notes and bonds shall be legal investments for savings banks.

Sect. 10. All individuals, firms and corporations, whether
private, public or municipal, shall pay to the treasurer of
said district the rates established by said board of trustees
for the water used by them, and said rates shall be uniform
within the territory of said district. Said rates shall be so
established as to provide revenue for the following purposes.

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

II. To provide for payment of the interest on the indebted-
ness of the district.

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

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

Sect. 11. All incidental powers, rights and privileges nec-
essary 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

2 majority of the legal voters within said district voting at
3 an election to be specially called and held for the purpose
4 on or before the first Monday of January nineteen hundred
5 and nineteen. The board of selectmen of Boothbay Har-
6 bor shall make and provide a separate check list of such of
7 the voters within said district as are then legal voters of
8 said town and all warrents issued to said town shall be
9 varied accordingly to show that only such voters therein
10 are entitled to vote hereon. Such special election, shall be
11 called, advertised and conducted according to the law re-
12 lating to municipal elections, provided, however, that the
13 board of selectmen shall not be required to prepare or the
14 town clerk to post a new list of voters and for this purpose
15 said board shall be in session the three secular days next
16 preceding such election, the first two days thereof to be de-
17 voted to registration of voters and the last day to enable
18 the board to verify the corrections of said lists and to com-
19 plete and close up its records of said session. The town
20 clerk shall reduce the subject matter of this act to the fol-
21 lowing question: "Shall the act to incorporate the Boothbay
22 Harbor Water District be accepted?" and the voters shall
23 indicate by a cross placed against the words "yes" or "no"
24 their opinion of the same. The result shall be declared by
25 the selectmen of Boothbay Harbor and due certificate there-
26 of filed by the town 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 as in this act provided, the
4 plant, property and franchises, rights and privileges now
5 held by the town of Boothbay Harbor.

Sect. 14. This act shall take effect in ninety days after the
2 final adjournment of the Legislature, so far as necessary
3 to empower the calling and holding of the elections author-
4 ized in section five as herein provided for.