

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 606

House of Representatives, March 20, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

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 dis-
7 trict and others that the town of Boothbay Harbor is supply-
8 ing or authorized to supply with pure water for domestic and
9 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 any 5 stream in any of said towns or from wells or reservoirs 6 therein and may take and hold by purchase or otherwise, any 7 land or real estate therein or water rights necessary for dams, 8 for flowage, for power, for pumping its water supply through 9 its mains, for reservoirs, for preserving the purity of the 10 water and water shed, for laying and maintaining aqueducts 11 and other structures, for taking, distributing, discharging 12 and disposing of water and for rights of way or roadways, 13 to its sources of supply, dams, power stations, reservoirs, 14 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 prop- 3 erty by the taking of any land whatsoever, or water, or by 4 flowage, or by excavating through any land for the purpose 5 of laying pipes, building dams or constructing reservoirs. If 6 any person sustaining damage 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 in 9 the same manner and under the same conditions, restrictions 10 and limitations as are or may be prescribed in the case of 11 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, re-

3 pair and replace all such pipes, aqueducts and fixtures as may
4 be necessary for the objects above set forth, and whenever
5 said district shall lay any pipes or aqueducts in any street or
6 highway it shall cause the same to be done with as little ob-
7 struction as possible to the public travel and shall at its own
8 expense without unnecessary delay cause the earth and pave-
9 ment removed by it to be replaced 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 shall
3 be elected by a plurality vote of the legal voters within said
4 water district at an election to be specially called and held
5 therefor on or before the first Monday in January nineteen
6 hundred and nineteen. Such special election shall be called,
7 advertised and conducted according to the law relating to
8 municipal elections in said town of Boothbay Harbor.

The result of such election shall be declared by the municipi-
2 al 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 a
6 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 the
11 affairs of said district. At said first meeting the trustees so
12 elected shall determine by lot the term of office of each trus-

tee so that one trustee shall retire each year and whenever the term of office of a trustee expires his successor shall be elected by a plurality vote by the legal voters of the said water district, and for the purpose of such election a meeting of said water district shall be called and held on the fourth Tuesday of June in each year, the same to be called in the manner hereinbefore provided for the first election of trustees. The trustees so elected shall serve the full term of three years; and in case a vacancy arises in the membership of the board of trustees it shall be filled in like manner for the unexpired term, by special election to be called by the municipal officers of the town of Boothbay Harbor. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation of his service the sum of two dollars for each and every regular and special meeting of said board at which he is in attendance.

At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical condition and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust, such reports to be made and filed with the municipal officers of the town of Boothbay Harbor on or before the first day of July of each year. The report of such trustees

10 shall be printed by the municipal officers of the town of
11 Boothbay Harbor in the annual report of said town.

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

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

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

13 all liens, mortgages and incumbrances, theretofore created
14 by the town of Boothbay Harbor.

Sect. 8. All valid contracts now existing between the
2 town of Boothbay Harbor and any persons or corporations
3 for supplying water, shall be assumed and carried out by
4 said 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 of
9 the town of Boothbay Harbor, of securing sources of sup-
10 ply, 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-
20 visions of said section shall be applicable thereto. The said
21 notes and bonds shall 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 of said district. Said rates shall be so
6 established as to provide revenue for the following purposes.

I. To pay the current running expenses for maintaining
2 the water system and provide for such extension and renew-
3 als as may become necessary.

II. To provide for payment of the interest on the indebted-
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 invested in such securities as savings banks are allowed to
8 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 nec-
2 essary to the accomplishment of the main object herein set
3 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 Harbor
6 shall make and provide a separate check list of such of the
7 voters within said district as are then legal voters of said
8 town and all warrants issued to said town shall be varied
9 accordingly to show that only such voters therein are en-
10 titled to vote hereon. Such special election, shall be called,
11 advertised and conducted according to the law relating to
12 municipal elections, provided, however, that the board of
13 selectmen shall not be required to prepare or the town clerk
14 to post a new list of voters and for this purpose said board
15 shall be in session the three secular days next preceding
16 such election, the first two days thereof to be devoted to
17 registration of voters and the last day to enable the board to
18 verify the corrections of said lists and to complete and close
19 up its records of said session. The town clerk shall reduce
20 the subject matter of this act to the following question:
21 "Shall the act to incorporate the Boothbay Harbor Water
22 District be accepted?" and the voters shall indicate by a cross
23 placed against the words "yes" or "no" their opinion of the
24 same. The result shall be declared by the selectmen of
25 Boothbay Harbor and due certificate thereof filed by the
26 town clerk with the secretary of state.

Sect. 13. Sections two, three and four of this act shall be
2 inoperative, null and void, unless the said water district shall
3 first acquire by purchase as in this act provided, the plant,

4 property and franchises, rights and privileges now held by
5 the town of Boothbay Harbor.

Section 14. This act shall take effect in ninety days after
2 the 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.