

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 492

House of Representatives, March 24, 1919.

Reported by Mr. Buzzell from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the Belfast Water District.

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

Section 1. Territory and purposes. The territory and the
2 people of the city of Belfast shall constitute a body politic
3 and corporate under the name of Belfast Water District,
4 for the purpose of supplying the inhabitants of said city of
5 Belfast with pure water for domestic, municipal and manu-
6 factory purposes.

Sect. 2. Source of supply, rights and privileges. Said
2 district for the purposes of its incorporation is hereby au-
3 thorized to take and hold by purchase or as for public
4 uses by right of eminent domain, sufficient water from any

5 lake, pond or stream, located in the city of Belfast, or in
6 the towns of Northport, Knox, Waldo, Swanville, Sears-
7 port, Prospect, Frankfort, and Stockton Springs or from
8 wells or reservoirs therein and may take and hold by pur-
9 chase or as for public uses by right of eminent domain,
10 any land or real estate therein, or water rights necessary
11 for dams, for flowage, for power, for pumping its water
12 supply through its mains, for reservoirs, for preserving the
13 purity of the water and water shed, for laying and main-
14 taining aqueducts and other structures, for taking, dis-
15 tributing, discharging and disposing of water, and for rights
16 of way or roadways to its sources of supply, dams, power
17 stations, reservoirs, mains, aqueducts, structures and lands.

Sect. 3. Damages, adjustment of. Said district shall be
2 liable for all damages that shall be sustained by any per-
3 son or corporation in their property by the taking of any
4 land whatsoever, or water, or by flowage, or by excavat-
5 ing through any land for the purpose of laying pipes, build-
6 ing dams or constructing reservoirs. If any person, sus-
7 taining damage as aforesaid, and said corporation shall not
8 mutually agree upon the sum to be paid therefor, such per-
9 son may cause his damages to be ascertained in the same
10 manner and under the same conditions, restrictions and
11 limitations as are, or may be prescribed in the case of dam-
12 ages by the laying out of highways.

Sect. 4. May lay pipes, etc., through streets and high-
2 ways. Said district is hereby authorized to lay in and

3 through the streets and highways thereof, and outside there-
4 of, and to take up, repair and replace all such aqueducts
5 and fixtures as may be necessary for the objects above set
6 forth, and whenever said district shall lay any pipes or
7 aqueducts in any street or highway it shall cause the same
8 to be done with as little obstructions as possible to public
9 travel and shall at its own expense without unnecessary
10 delay cause the earth and pavement removed by it to be
11 replaced in proper condition.

Sect. 5. Affairs to be managed by board of trustees; how
2 and when elected; organization, tenure and compensation.
3 All the affairs of said district shall be managed by a board
4 of trustees, composed of three members, who shall be
5 elected by the city council of the city of Belfast annually,
6 on the third Monday of March, or as soon thereafter as
7 conveniently may be; but the first board of trustees may
8 be elected by said city council at any time after the accept-
9 ance of this act. As soon as convenient after members of
10 said board have been chosen, said trustees shall hold a
11 meeting and organize by the election of a chairman and
12 clerk, adopt a corporate seal, and, when necessary, may
13 choose a treasurer and all other needful officers and agents
14 for the proper conduct and management of the affairs of
15 said district. They may also ordain and establish such
16 by-laws as are necessary for their own convenience and
17 the proper management of the affairs of said district. At
18 said first meeting the trustees so elected shall determine

19 by lot the term of office of each trustee so that one trustee
20 shall retire each year and whenever the term of office of
21 a trustee expires his successor shall be elected by said city
22 council in the same manner as subordinate officers of said
23 city are elected under its charter. The trustees so elected
24 shall serve the full term of three years; and in case a va-
25 cancy arises in the membership of the board of trustees, it
26 shall be filled in like manner for the unexpired term. Said
27 trustees may procure an office and incur such expenses as
28 may be necessary. The chairman shall be the executive
29 officer of said board and receive a salary of two hundred
30 dollars (\$200) per year in full compensation for his ser-
31 vices, the other two members of said board shall receive
32 a salary of fifty dollars (\$50.00) each per year. At the close
33 of each fiscal year the trustees shall make a detailed re-
34 port of their doings, of the receipts and expenditures of
35 said water district, of its financial and physical condition
36 and of such other matters and things pertaining to said
37 district as shall show the inhabitants of said district how
38 said trustees are fulfilling the duties and obligations of
39 their trust, such reports to be made and filed with the mu-
40 nicipal officers of the city of Belfast on or before the first
41 day of March of each year. The report of said trustees
42 shall be printed in the annual report of said city.

Sect. 6. May require water plant of Belfast Water Com-
2 pany. Said water district is hereby authorized to acquire
3 by purchase the entire water plant, properties, franchises,

4 rights and privileges of the Belfast Water Company, ex-
5 cept its cash assets including all lands, waters, water rights,
6 dams, structures, reservoirs, pipes, machinery, fixtures, hy-
7 drants, tools and all apparatus and appliances owned by
8 said Belfast Water Company and used or usable in supply-
9 ing water in said district. The said Belfast Water Com-
10 pany is hereby authorized to sell and transfer its water
11 franchises and properties to said water district by consent
12 of the city council of Belfast, expressed by concurrent vote
13 of its board of aldermen and common council.

Sect. 7. Present contracts to be fulfilled. All valid con-
2 tracts now existing between the Belfast Water Company
3 and any persons or corporations for supplying water shall
4 be assumed and carried out by said Belfast Water District
5 in case of purchase of water franchises and properties of
6 said water company.

Sect. 8. Temporary loan authorized; trustees may issue
2 bonds. For accomplishing the purposes of this act, said
3 water district, through its trustees, is authorized to bor-
4 row money temporarily, and to issue therefor the interest-
5 bearing negotiable notes of the district; and for the pur-
6 pose of refunding the indebtedness so created; of paying
7 any necessary expenses incurred in the creation of the dis-
8 trict; in acquiring the properties and franchises of the Bel-
9 fast Water Company; of securing sources of supply; tak-
10 ing water and land; paying damages; laying pipes; con-
11 structing, 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 therefor in the judgment of the trustees.
16 Said notes and bonds shall be legal obligations of said
17 water district, which is hereby declared to be a quasi mu-
18 nicipal corporation within the meaning of section one hun-
19 dred and five (105) of chapter fifty-one (51) of the revised
20 statutes, and all the provisions of said section shall be ap-
21 plicable thereto. The said notes and bonds shall be legal
22 investments for savings banks.

Sect. 9. Rates to be uniform; revenue, how expended. All
2 individuals, firms and corporations, whether private, public
3 or municipal, shall pay to the treasurer of said district
4 the rates established by said board of trustees for the water
5 used by them, and said rates shall be uniform within the
6 territory of said district. Said rates shall be so established
7 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 re-
3 newals as may become necessary.

II. To provide for payment of the interest on the in-
2 debtedness of the district.

III. To provide each year a sum equal to not less than
2 one or more than five per cent. of the entire indebtedness of
3 the district, which sum shall be turned into a sinking fund
4 to provide for the final extinguishment of the funded debt.

5 The money set aside for the sinking fund shall be devoted
6 to the retirement of the obligations of the district, or in-
7 vested 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. 10. Incidental powers and privileges. All incidental
2 powers, rights, and privileges necessary to the accomplish-
3 ment of the main object herein set forth are granted to the
4 corporation hereby created.

Sect. 11. Referendum provided; procedure. This act shall
2 take effect when approved by a majority of the legal voters
3 within said district voting at an election to be specially
4 called and held for the purpose within six months after
5 the adjournment of this Legislature. Such special election
6 shall be called, advertised, and conducted, and voting lists
7 prepared, corrected, and posted, according to the law re-
8 lating to municipal elections in the city of Belfast. The city
9 clerk shall prepare the ballots for such election and shall
10 reduce the subject matter of this act to the following ques-
11 tion: "Shall the act to incorporate the Belfast Water Dis-
12 trict be accepted?" And the voters shall indicate by a
13 cross placed against the word, "Yes" or "No," their vote
14 on this question. The ballots cast shall be canvassed and
15 the result of the vote declared by the municipal officers
16 of the city of Belfast and due certificate thereof filed by
17 the city clerk with the secretary of state. This act shall

18 take effect in ninety days after the final adjournment of the
19 legislature, so far as necessary to empower the calling and
20 holding of said special election.

Sect. 12. Certain sections inoperative unless purchase is
2 consummated. Sections two, three and four of this act
3 shall be inoperative, null, and void, unless the said water
4 district shall acquire by purchase as in this act provided,
5 the plant, property and franchises, rights and privileges
6 now held by the Belfast Water Company.