

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 145

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In Senate, Feb. 28, 1919.

Reported by Senator Thornton from Committee on Public Utilities and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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STATE OF MAINE

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

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AN ACT to incorporate the Island Falls 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  
2 people within the same, namely: Town of Island Falls in  
3 the county of Aroostook, excepting Lot No. 144 in said town,  
4 shall constitute a body politic and corporate under the name  
5 of the Island Falls Water District, for the purpose of supply-  
6 ing the inhabitants of said district, with pure water for  
7 domestic and municipal purposes.

Sect. 2. Said water district is hereby authorized for the  
2 purposes aforesaid to detain, collect, take, store, use and  
3 distribute water from any water source or sources, wholly or

4 partially in said town of Island Falls, and may take and hold  
5 by purchase or otherwise any land or real estate necessary  
6 for erecting dams, power, reservoirs, or for preserving the  
7 purity of the water and watershed, and for laying and main-  
8 taining aqueducts for taking, discharging and disposing of  
9 water.

Sect. 3. Said water district shall be liable for all damages  
2 that 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 pre-  
11 scribed in the case of damages by the laying out of highways.

Sect. 4. Said water district is hereby authorized to lay in  
2 and through the streets and highways of said town of Island  
3 Falls, and to take up, repair and replace all such pipes, aque-  
4 ducts and fixtures as may be necessary for the objects above  
5 set forth, and whenever said district shall lay any pipes or  
6 aqueducts in any street or highway it shall cause the same  
7 to be done with as little obstruction as possible to the pub-  
8 lic travel, and shall at its own expense without unnecessary  
9 delay cause the earth and pavement removed by it to be re-  
10 placed in proper condition.

Sect. 5. All the affairs of said water district shall be managed by a board of trustees composed of three members, none of whom shall be a municipal officer, of said town to be chosen by ballot by the legal voters within said water district, the first election to be at the meeting of the legal voters of the said corporation to be called to accept this act, one to serve until the annual meeting to be held in nineteen hundred and twenty, one to serve until the annual meeting to be held in nineteen hundred and twenty-one, one to serve until the annual meeting to be held in nineteen hundred and twenty-two. Whenever the term of office of a trustee shall expire the legal voters of the said water district shall elect a successor to serve for a full term of three years, and if any other vacancy occur it may be filled in like manner for the unexpired term. The annual election of officers shall be in the month of March. As soon as convenient after the board of trustees has been chosen, the said trustees shall hold a meeting at the office of the selectmen in the town of Island Falls, and organize by the election of a chairman and clerk, adopt a corporate seal, and when necessary may choose a treasurer and all other needful officers and agents for the proper management of the affairs of said water district. Said trustees may have the use of the town offices for the transaction of their business. Each member shall receive in full compensation of his service the sum of one dollar 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  
2 detailed report of their doings, of the receipts and expen-  
3 ditures of said water districts, of its financial and physical  
4 condition and of such other matters and things pertaining  
5 to 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 Island Falls on or before  
9 the first day of March of each year.

The said water district, at any legal meeting thereof, called  
2 for the purpose, may adopt such by-laws and provisions,  
3 not inconsistent with the laws and constitution of this state  
4 and the United States, as they may deem expedient and  
5 necessary for the better government and regulation of the  
6 municipal affairs within said water district, in which case  
7 such by-laws and provisions so adopted, shall extend to  
8 said water district as fully, to all intents and purposes, as  
9 the other provisions of this act, subject only to alterations  
10 or additions by a two-thirds vote, at a legal meeting of  
11 the water district called for the purpose.

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 water district for said purpose, the en-  
5 tire plant, property and franchises, rights and privileges  
6 now held by the Island Falls Water Company within said

7 district and the remaining portion of said town of Island  
8 Falls, including all lands, waters, water rights, dams, reser-  
9 voirs, pipes, machinery, fixtures, hydrants, tools and all  
10 apparatus and appliances owned by said company and used  
11 or usable in supplying water in said water district and any  
12 other real estate in said water district.

Sect. 7. In case said trustees fail to agree with said Island  
2 Falls Water Company upon the terms of purchase of the  
3 above mentioned property on or before December thirty-  
4 first, nineteen hundred and nineteen, 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 February first, nineteen hundred and twenty, to file  
10 a petition in the clerk's office of the supreme judicial court  
11 for the county of Aroostook, in term time or in vacation,  
12 addressed to any justice of said court, who after notice to  
13 said Island Falls Water Company and its mortgages, shall  
14 after hearing and within thirty days after the filing of  
15 said petition appoint three disinterested appraisers, none  
16 of whom shall be residents of the county of Aroostook, 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 pa-  
23 pers, refusing to attend, or to produce the same, shall be  
24 subject to the same penalties and proceedings so far as  
25 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 Island Falls Water Company shall receive  
30 just compensation for all the same. The thirty-first day  
31 of December, nineteen hundred and nineteen, shall be the  
32 date as of which the valuation aforesaid shall be fixed,  
33 from which day, interest on said award shall run, and all  
34 net rents and profits accruing thereafter shall belong to  
35 said water district. The report of said appraisers or of a  
36 majority of them, shall be filed in said clerk's office, in  
37 term time or vacation within five months after their ap-  
38 pointment, and such single justice or in case of his inability  
39 to act then, any justice designated for the purpose by the  
40 chief justice, may, after notice and hearing, confirm or re-  
41 ject the same, or recommit it if justice so requires. The  
42 award of the appraisers shall be conclusive as to valuations.  
43 Upon the confirmation of said report the court so sitting  
44 shall thereupon, after hearing, make final decree upon the  
45 entire matter, including the application of the purchase  
46 money, discharge of incumbrances and transfer of the prop-  
47 erty, jurisdiction over which is hereby conferred, with the  
48 same power to enforce said decree as in equity cases. Upon

49 request of either party the justice so making such final de-  
50 cree shall make separate findings of law and fact. All such  
51 findings of fact shall be final, but either party aggrieved  
52 may take exceptions to any rulings of law so made, the  
53 same to be accompanied only by such parts of the case as  
54 are necessary to a clear understanding of the questions  
55 raised thereby. Such exceptions shall be claimed on the  
56 docket within ten days after such final decree is signed,  
57 entered and filed, and notice thereof has been given by the  
58 clerk to the parties or their counsel and said exceptions  
59 so claimed shall be made up, allowed and filed within said  
60 time unless further time is granted by the court or by agree-  
61 ment of parties. They shall be entered at the next term of  
62 the law court to be held after the filing of said decree, and  
63 there heard, unless otherwise agreed, or the law court shall  
64 for good cause order a further time for hearing thereon.  
65 Upon such hearing the law court may confirm, reverse or  
66 modify the decree of the court below, or remand the cause  
67 for further proceedings as it seems proper. During the  
68 pendency of such exceptions the cause shall remain on the  
69 docket of the court below marked law and decree shall be  
70 entered thereon by a single justice in term time or in vaca-  
71 tion, in accordance with the certificate and opinion of the law  
72 court. Before said plant, property and franchises are trans-  
73 ferred in accordance with such final decree, and before the  
74 payment therefor, the court sitting in said county of Aroos-  
75 took, by a single justice thereof as hereinbefore provided,



76 shall, upon motion of either party, after notice and hearing  
77 take account of all receipts and expenditures properly had  
78 or incurred by the Island Falls Water Company belonging to  
79 the period from and after December thirty-first, nineteen  
80 hundred and nineteen, and all the net rents and profits ac-  
81 cruing thereafter, and shall order the net balance due to  
82 either party to be added to or deducted from the amount to be  
83 paid under said final decree, as the case may be. All findings  
84 of law or fact by such single justice at such hearing shall be  
85 final. On payment or tender by said water district of the  
86 amount so fixed and the performance of all other terms and  
87 conditions so imposed by the court, said entire plant,  
88 property and franchises shall become vested in said water  
89 district and be free from all liens, mortgages, and incum-  
90 brances theretofore created by the Island Falls Water Com-  
91 pany. After the filing of said petition it shall not be dis-  
92 continued or withdrawn by said water district, and the said  
93 Island Falls Water Company may thereafterwards on its  
94 part cause said valuation to be made as herein provided, and  
95 shall be entitled to appropriate process to compel said water  
96 district to perform the terms of the final decree, and to pay  
97 for said plant, property and franchises in accordance there-  
98 with.

Sect. 8. All valid contract now existing between the Island  
2 Falls Water Company and any persons or corporations for  
3 supplying water within said water district, shall be assumed  
4 and carried out by said Island Falls Water District.

Sect. 9. For accomplishing the purposes of this act said  
2 water district, through its trustees, is authorized to issue  
3 its bonds to an amount sufficient to procure funds to pay  
4 the expenses incurred in the acquisition of the property of  
5 said Island Falls Water Company, and the purchase thereof,  
6 and to secure a new source of supply, or the improvement of  
7 the present supply, and to make such extensions of the  
8 present system as the interests of the said water district  
9 shall demand. Said bonds shall be a legal obligation of  
10 said water district, which is hereby declared to be a quasi  
11 municipal corporation within the meaning of section one  
12 hundred and five, chapter fifty-one of the revised statutes  
13 and all the provisions of said section shall be applicable  
14 thereto. The said bonds shall be a legal investment for  
15 savings banks.

Sect. 10. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of said  
3 district the rates established by said board of trustees for  
4 the district. Said rates shall be so established as to pro-  
5 vide revenue for the following:

1. To pay the current running expenses for operating  
2 and maintaining the water system and to provide for such  
3 extensions and renewals as said trustees may deem neces-  
4 sary.

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

3. To provide each year a sum equal to not less than

2 one nor more than four per cent. of the entire indebted-  
3 ness of the district, which sum shall be turned into a sink-  
4 ing fund to provide for the final extinguishment of the  
5 funded debt. The money set aside for the sinking fund  
6 shall be devoted to the retirement of the obligations of  
7 the district or invested in such securities as savings banks  
8 are allowed to hold.

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

Sect. 12. This act shall take effect when accepted by a  
2 majority vote of the legal voters within said water district,  
3 voting at a meeting to be specially called and held for the  
4 purpose on the second Monday in September, nineteen hun-  
5 dred and nineteen. Such special election shall be called,  
6 advertised and conducted according to the law relating to  
7 municipal elections. The town clerk shall reduce the sub-  
8 ject matter of this act to the following questions: "Shall  
9 the act to incorporate the Island Falls Water District be  
10 accepted?" and the voters shall indicate by the words "Yes"  
11 or "No" their opinion of same by written ballot. The re-  
12 sult in said town of Island Falls shall be declared by the  
13 selectmen and due certificate thereof filed by the town  
14 clerk with the secretary of state.

Sect. 13. Section two, three and four of this act shall be  
2 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 this act provides, the plant,  
5 property and franchises, rights, and privileges now held by  
6 the Island Falls Water Company within said district.

Sect. 14. Nothing herein contained is intended to repeal  
2 or shall be construed as repealing the whole or any part  
3 of any existing statute, and all the rights and duties herein  
4 mentioned shall be exercised and performed in accordance  
5 with all the applicable provisions of chapter fifty-five of  
6 the revised statutes, and acts amendatory thereof or addi-  
7 tional thereto.

Sect. 15. This act shall take effect in ninety days after  
2 the adjournment of the legislature, so far as it is necessary  
3 to empower the calling and holding of the election author-  
4 ized by section twelve herein provided.