

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 137

House of Representatives, February 17, 1921.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Carney of Newcastle.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Incorporate the Twin Village Water District.

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

Section 1. Territorial boundaries and purposes. The
2 following described territory, and the people within the
3 same, namely: the towns of Damariscotta and Newcastle in
4 the county of Lincoln, excepting such portions of said towns
5 as are not now or hereafter served by the present water
6 supply system, shall constitute a body politic and corporate
7 under the name of Twin Village Water District, for the pur-
8 pose of supplying the inhabitants of said district, with pure
9 water for domestic and municipal purposes.

Sect. 2. Sources of supply; may take over lands. Said
2 water district is hereby authorized for the purposes afore-

3 said to detain, collect, take, store, use and distribute water
4 from any water source or sources, wholly or partially in
5 said towns of Damariscotta or Newcastle, and may take
6 and hold by purchase or otherwise any land or real estate
7 necessary for erecting dams, power, reservoirs, or for pre-
8 serving the purity of the water and watershed, and for lay-
9 ing and maintaining aqueducts for taking, discharging and
10 disposing of water.

Sect. 3. Land damages; procedure in case of disagree-
2 ment. Said water district shall be liable for all damages
3 that shall be sustained by any person or corporation in their
4 property by the taking of any land whatsoever, or water,
5 or by flowage, or by excavating through any land for the
6 purpose of laying pipes, building dams, or constructing
7 reservoirs. If any person sustaining damage as aforesaid
8 and said corporation shall not mutually agree upon the sum
9 to be paid therefor, such person may cause his damages to
10 be ascertained in the same manner and under the same con-
11 ditions, restrictions and limitations as are or may be pre-
12 scribed in the case of damages by the laying out of highways.

Sect. 4. May lay pipes, etc., through streets of towns
2 of Damariscotta and Newcastle. Said water district is
3 hereby authorized to lay in and through the streets and
4 highways of said towns of Damariscotta and Newcastle, or
5 either of them, and to take up, repair and replace all such
6 pipes, aqueducts and fixtures as may be necessary for the
7 objects above set forth, and whenever said district shall lay

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

Sect. 5. Administration; election of trustees, tenure of
2 office and compensation; annual report. All the affairs of
3 said water district shall be managed by a board of trustees
4 composed of three members, none of whom shall be a mu-
5 nicipal officer of either of said towns, to be chosen by
6 ballot by the legal voters within said water district, the first
7 election to be at the meeting of the legal voters of the said
8 corporation to be called to accept this act, one to serve until
9 the annual meeting to be held in nineteen hundred and
10 twenty-three, one to serve until the annual meeting to be
11 held in nineteen hundred and twenty-four and one to serve
12 until the annual meeting to be held in nineteen hundred
13 and twenty-five. Whenever the term of office of a trustee
14 shall expire a successor to serve for a full term of three
15 years shall be elected by the legal voters of the said water
16 district, and if any other vacancy occurs it may be filled
17 in like manner for the unexpired term. The annual elec-
18 tion of officers shall be on the first Monday in the month
19 of March. As soon as convenient after the board of
20 trustees has been chosen, the said trustees shall hold a
21 meeting at the office of the selectmen in the town of Dam-
22 ariscotta and organize by the election of a chairman and

23 clerk, adopt a corporate seal, and when necessary, may
24 choose a treasurer and all other needful officers and agents
25 for the proper management of the affairs of said water
26 district. Said trustees may have the use of the town offices
27 in said Damariscotta for the transaction of their business,
28 paying such expense thereof as is incurred by them. Each
29 trustee shall receive in full compensation of his service the
30 sum of five dollars for each and every regular and special
31 meeting of said board at which he is in attendance. At the
32 close of each fiscal year the trustees shall make a detailed
33 report of their doings, of the receipts and expenditures of
34 said water district, of its financial and physical condition
35 and of such other matters and things pertaining to said dis-
36 trict as shall show the inhabitants of said water district how
37 said trustees are fulfilling the duties and obligations of
38 their trust, such reports to be made and filed with the mu-
39 nicipal officers in both the towns of Damariscotta and New-
40 castle on or before the first day of March of each year.
41 The said water district, at any legal meeting thereof, called
42 for the purpose, may adopt such by-laws and provisions, not
43 inconsistent with the laws and constitution of this state and
44 of the United States as they may deem expedient and
45 necessary for the better government and regulation of the
46 municipal affairs within said water district, in which case
47 such by-laws and provisions so adopted, shall extend to said
48 water district as fully, to all intents and purposes, as the
49 other provisions of this act, subject only to alterations or

50 additions by a two-thirds vote, at a legal meeting of the
51 water district called for the purpose.

Sect. 6. May take over plant of Twin Village Water
2 Company. Said water district is hereby authorized and
3 empowered to acquire by purchase or by the exercise of the
4 right of eminent domain, which right is hereby expressly
5 delegated to said water district for said purpose, the entire
6 plant, property and franchises, rights and privileges now
7 held by the Twin Village Water Company within said dis-
8 trict and the remaining portion of said towns of Damaris-
9 cotta and Newcastle, including all lands, waters, water
10 rights, dams, reservoirs, pipes, machinery, fixtures, hydrants,
11 tools and all apparatus and appliances owned by said com-
12 pany and used or usable in supplying water in said water
13 district and any other real estate in said water district and
14 said towns.

Sect. 7. Procedure in case of disagreement as to pur-
2 chase price of plant and franchise of Twin Village Water
3 Company. In case said trustees fail to agree with said
4 water company upon the terms of purchase of the above
5 mentioned property on or before July first, nineteen hun-
6 dred twenty-two, said water district, through its trustees,
7 is hereby authorized to take said plant, property and
8 franchises as for public uses by petition therefor filed in
9 the office of the public utilities commission of the state of
10 Maine on or before July first, nineteen hundred twenty-
11 two, which commission, after due notice and hearing, shall

12 fix the valuation of said plant, property and franchises at
13 what they are fairly and equitably worth. The first day
14 of July, nineteen hundred twenty-two shall be date as of
15 which the valuation aforesaid shall be fixed and from which
16 date interest on said award shall run and all net rents, and
17 profits accruing thereafter shall belong to the said water
18 district. Said commission shall within five months from the
19 filing of the petition make its report upon the entire matter,
20 including application of the purchase money, discharge of
21 incumbrances, transfer of the property, jurisdiction over
22 which is hereby conferred, and their findings of law and
23 fact shall be final except as hereinafter provided. Either
24 party aggrieved may take exceptions to the commission's
25 findings on the question of damages only; and such excep-
26 tions shall be filed within ten days after such report is
27 signed and filed and notice thereof has been given by the
28 clerk of the commission to the parties or their counsel,
29 and said exceptions so claimed shall be made up, allowed
30 and filed within said time, unless further time is granted
31 by the commission or by agreement of parties. They shall
32 be entered at the next term of the supreme judicial court
33 to be held in said county after the filing of said report and
34 there heard, unless otherwise agreed, or the court shall, for
35 good cause, order further time for hearing thereon. Upon
36 such hearing said court may confirm, reverse or modify
37 the report of said commission as to the question of damages.
38 After the filing of said petition it shall not be discontinued

39 or withdrawn by said water district, and the said Twin
40 Village Water Company may thereafter on its part
41 cause said valuation to be made as herein provided, and
42 shall be entitled to appropriate process to compel said water
43 district to perform the terms of the final decree, and to
44 pay for said plant, property and franchises in accordance
45 therewith.

Sect. 8. District to assume obligations of existing com-
2 pany. All valid contracts now existing between the Twin
3 Village Water Company and any persons or corporations
4 for supplying water within said water district shall be
5 assumed and carried out by said Twin Village Water Dis-
6 trict.

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

14 shall be applicable thereto. The said bonds shall be a legal
15 investment for savings banks.

Sect. 10. Schedule of rates. All individuals, firms and
2 corporations, whether private, public or municipal, shall
3 pay to the treasurer of said district the rates established
4 by said board of trustees for the district. Said rates shall
5 be so established as to provide 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 the payment of the interest on
5 the indebtedness of the district. 3. To provide each year
6 a sum equal to not less than one nor more than three per
7 cent of the entire indebtedness of the district, which sum
8 shall be turned into a sinking fund to provide for the final
9 extinguishment of the funded debt. The money set aside
10 for the sinking fund shall be devoted to the retirement of
11 the obligations of the district or invested in such securities
12 as savings banks are allowed to hold.

Any schedule of rates sufficient to meet the provisions
2 above enumerated shall at all times be subject to the pro-
3 visions of chapter fifty-five, revised statutes of Maine,
4 nineteen hundred and sixteen, and all acts additional there-
5 to or amendatory thereof, said chapter fifty-five being an
6 act to regulate control of public utilities by the public
7 utilities commission of the state of Maine.

Sect. 11. Incidental powers and privileges granted. All

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

Sect. 12. Approval of voters of district before affective
2 territory and citizens affected. This act shall take effect
3 when accepted by a majority vote of the legal voters with-
4 in said water district, which district shall compromise only
5 the territory in each of said towns over which the pipes
6 of the water district extend; except whenever any exten-
7 sion is made in the service in said towns, such additional
8 portions shall be added to said district; and only citizens
9 within said district, or said district extended, shall have
10 any voice in the affairs of, or be affected by said corporation.
11 Voting shall be at a meeting to be specially called and
12 held on or before the first day of July nineteen hundred
13 twenty-two. Such special election shall be called, adver-
14 tised and conducted according to the law relating to mu-
15 nicipal elections. The town clerks in each of said towns
16 shall reduce the subject matter of this act to the following
17 question: "Shall the act to incorporate the Twin Village
18 Water District be accepted?" and the voters shall indicate
19 by the words "Yes" or "No" their opinion of same by
20 written ballot. The result in each of said towns shall be
21 declared respectively by the selectmen and due certificate
22 thereof filed by the respective town clerks with the secre-
23 tary of state.

Sect. 13. Certain sections inoperative unless purchase of
2 existing water company's plant is affected.

Sections two, three and four of this act shall be inoper-
2 ative, null and void, unless the said water district shall
3 first acquire by purchase, or by the exercise of the right of
4 eminent domain as this act provides, the plant, property and
5 franchises, rights, and privileges now held by the Twin Vil-
6 lage Water Company within said towns.

Sect. 14. Prior laws not affected. Nothing herein con-
2 tained is intended to repeal or shall be construed as repeal-
3 ing the whole or any part of any existing statute, and all the
4 right and duties herein mentioned shall be exercised and
5 performed in accordance with all the applicable provisions
6 of chapter fifty-five of the revised statutes, and acts amenda-
7 tory thereof or additional thereto.

Sect. 15. Effective as to referendum provisions at usual
2 time. This act shall take effect in ninety days after the
3 adjournment of the legislature, so far as it is necessary to
4 empower the calling and holding of the election authorized
5 by said twelve herein provided.