

# MAINE STATE LEGISLATURE

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 202**

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House of Representatives, February 28, 1921.

Reported by Mr. Fagan from Committee on Legal Affairs  
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

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AN ACT to Incorporate the Monmouth Water and Sewer  
District.

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

Section 1. That part of the town of Monmouth, and the  
2 people within the same, which is bounded and described as  
3 follows: Commencing at the shore of Cochnewagan Pond  
4 at the mouth of Fish Brook; thence extending northerly  
5 along Fish Brook to a point where the center line of the  
6 old East Monmouth road extended westerly would intersect  
7 said brook; thence easterly along said line across the road  
8 leading from Monmouth to Monmouth Academy to the old  
9 road leading to East Monmouth, and along the center line  
10 of said road to Wilson stream; thence southerly along Wil-

11 son stream a distance of one mile; thence a true westerly  
12 course across Main street to the easterly shore of Cochne-  
13 wagan Pond; thence northerly and westerly on the shore  
14 of Cochnewagan Pond to the point of beginning at the  
15 mouth of Fish Brook, shall constitute a body corporate  
16 and politic under the name of the Monmouth Water and  
17 Sewer District for the purpose of supplying the inhabitants  
18 of said district and of the town of Monmouth and said town  
19 of Monmouth with water for domestic, sanitary, manufac-  
20 turing, fire protection and municipal purposes, and for the  
21 purpose of providing in said district, and in any part of  
22 the town of Monmouth contiguous thereto, a system of pub-  
23 lic sewage, drainage and such other facilities, conveniences  
24 and improvements as they may deem for the comfort, con-  
25 venience and health of the people of said district and of said  
26 contiguous territory, with all the rights, privileges and im-  
27 munities incident to similar corporations.

Sect. 2. The said district, for the aforesaid purposes, is  
2 authorized to take and hold as for public uses, sufficient  
3 water of any underground or surface brooks, streams,  
4 springs, lakes or ponds wholly or partly in the towns of  
5 Monmouth or Winthrop; to take and hold as aforesaid by  
6 purchase or otherwise any land or real estate necessary for  
7 erecting dams, power plants, reservoirs, stand-pipes, or for  
8 preserving the purity of the water or watershed and for  
9 laying and maintaining aqueducts for taking, distributing,  
10 discharging and disposing of water, and for forming and

11 maintaining basins, reservoirs, mains, pipes, outlets and oth-  
12 er necessary conveniences for the collection, discharge and  
13 disposition of sewage matter, and for all other objects neces-  
14 sary for the convenient and proper enjoyment of any of  
15 the purposes of this act, including rights of way or road-  
16 ways to its source of supply, points of discharge and other  
17 properties, anywhere in the towns of Monmouth and Win-  
18 throp. And the right of eminent domain is hereby express-  
19 ly delegated to said district for the aforesaid purposes.

Sect. 3. Said district is hereby authorized to lay in and  
2 through the streets, roads and ways in said district, and  
3 in the towns of Monmouth and Winthrop where its cor-  
4 porate services are rendered or its water supply is collected,  
5 conveyed or distributed, or sewage and other waste matter  
6 is collected, conveyed, discharged or otherwise disposed of,  
7 and across private lands therein, and to maintain, repair  
8 and replace, all such pipes, aqueducts, mains and fixtures  
9 as may be necessary and convenient for its corporate pur-  
10 poses; and wherever it shall lay any pipe, aqueduct or main  
11 in any street, road or way, it shall cause the same to be  
12 done with as little obstruction as practicable to the public  
13 travel, and shall, at its own expense, without unnecessary  
14 delay, cause the earth and pavement removed by it to be re-  
15 placed in proper condition.

Sect. 4. In exercising any right of eminent domain con-  
2 ferred upon it by law, from time to time, the said district  
3 shall file in the office of the county commissioners of the  
4 county where such lands or water rights are situated and

5 record in the registry of deeds in said county, plans of the  
6 location of all lands or interests therein or water rights,  
7 to be taken, with an appropriate description and the names  
8 of the owners thereof, if known. When for any reason  
9 the district fails to acquire the property authorized to be  
10 taken, and which is described in such location, or the loca-  
11 tion recorded is defective or uncertain, it may, at any time,  
12 correct and perfect such location and file a new description  
13 thereof, and in such case the district is liable in damages  
14 only for property for which the owner had not previously  
15 been paid, to be assessed as of the time of the original tak-  
16 ing, and the district shall not be liable for any acts which  
17 would have been justified if the original taking had been  
18 lawful. No entry shall be made on any private lands, ex-  
19 cept to make surveys, until the expiration of ten days from  
20 such filing, whereon possession may be had of all said lands  
21 or interests therein or water rights so taken, but title thereto  
22 shall not vest in said district until payment therefor.

Sect. 5. If any person sustaining damages by any taking  
2 as aforesaid, shall not agree with said district upon the sum  
3 to be paid therefor, either party, upon petition to the county  
4 commissioners of the county where said lands or water  
5 rights are situated, may have said damages assessed by  
6 them; the procedure and all subsequent proceedings and  
7 right of appeal thereon shall be had under the same restric-  
8 tions, conditions and limitations as are or may be by law  
9 prescribed in the case of damages by the laying out of high-  
10 ways.

Sect. 6. In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said district, the public utilities commission shall determine the place, manner and condition of such crossing; and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company, but at the expense of the district.

Sect. 7. All the affairs of said district shall be managed by a board of three trustees, residents or owners of real estate therein, who shall be elected by ballot of the persons therein legally qualified to vote in town meetings. They shall hold office for the term of three years and until their respective successors are chosen and qualified, except, however, as hereinafter provided. Vacancies shall be filled for the unexpired term.

The first board of trustees shall be elected at the meeting called for the acceptance of this act, one to serve until the first regular annual meeting of the district, one until the second, and one until the third such meeting. Thereafterward, one member shall be chosen at each annual meeting to serve for the term of three years. If a vacancy occurs in said board more than three months before the date of the next succeeding annual meeting, a special meeting shall be called to fill the vacancy, and all vacancies existing at the date of an annual meeting shall then be filled.

As soon as convenient after said first election the trustees  
2 shall hold a meeting at some convenient place in the dis-  
3 trict to be called by any member thereof in writing designat-  
4 ing the time and place and delivered in hand to the other  
5 two members not less than two full days before the meet-  
6 ing; provided, however, that they may meet by agreement  
7 without such notice. They shall then organize by the elec-  
8 tion of a chairman and clerk from their own number, adopt  
9 a corporate seal and by-laws, and perform any other acts  
10 within the powers delegated to them by law. When neces-  
11 sary they may choose a treasurer and other needful officers  
12 and agents who shall serve at their pleasure. The treasurer  
13 shall furnish bond in such sum and with such sureties as  
14 they may approve. Members of the boards shall be eligible  
15 to any office under the board, but shall not receive any com-  
16 pensation therefor except as trustees unless authorized by  
17 vote of the district. The compensation of the trustees shall  
18 be fifty dollars each per annum unless otherwise provided  
19 by vote of the district.

The trustees shall be sworn to the faithful performance of  
2 their duties as such, which shall include the duties of any  
3 member as clerk or clerk pro tem. They shall make and  
4 publish an annual report, including a report of the treasurer.

Sect. 8. The annual meeting of the district shall be held  
2 in the district on the date of the annual town meeting of  
3 the town of Monmouth, at such hour and place as may be  
4 designated by resolution of the board of trustees or pro-  
5 vided in the by-laws. Notice thereof, signed by the chair-

6 man or clerk of the board, shall be conspicuously posted in  
7 two public places within the district, not less than seven  
8 days before the meeting. Special meetings may be called  
9 by the board in like manner at any time, and notices of  
10 special meetings shall state the business to be transacted  
11 thereat. Eleven persons qualified to vote in such meetings  
12 shall constitute a quorum. If for any reason an annual  
13 meeting is not held on the above date, a meeting in lieu  
14 thereof may be called in like manner to be held within three  
15 months from said date.

All persons resident in said district and qualified to vote  
2 for governor under the laws of this state shall be entitled  
3 to vote in any meeting of the district, including the meeting  
4 for acceptance of this charter.

Sect. 9. After the meeting for acceptance of this char-  
2 ter, the trustees shall have the same powers and perform  
3 the same duties as otherwise are exercised and performed  
4 by the selectmen of towns in correcting and preparing lists  
5 of the persons qualified to vote in said district, and for that  
6 purpose they shall be in session at the place designated for  
7 holding the meeting between the hours of ten o'clock in the  
8 forenoon and twelve o'clock noon of the secular day next  
9 before the date of every meeting; and two hours next be-  
10 fore the opening of the meeting, and notice thereof shall  
11 be given in the call for the meeting. All meetings of the  
12 district shall be presided over by a moderator chosen in the  
13 same manner and with the same authority as moderators of  
14 town meetings.



Sect. 10. Said district through its trustees is authorized  
2 to contract with persons and corporations, including the  
3 town of Monmouth, and said town of Monmouth is author-  
4 ized to contract with it, for furnishing water for domestic,  
5 sanitary, manufacturing or municipal purposes, and for the  
6 collection, discharge and disposition of sewage or other waste  
7 matter.

Sect. 11. The property, rights and franchises of said dis-  
2 trict shall be forever exempt from taxation.

Sect. 12. For accomplishing the purposes of this act said  
2 district is hereby authorized and empowered through its  
3 trustees, to issue its notes, bonds and other evidences of  
4 indebtedness to an amount sufficient to procure funds to  
5 pay the expenses incurred in acquiring and constructing its  
6 plant or plants, properties and franchises and for further  
7 extensions, additions and improvements of the same, wheth-  
8 er done at one time or from time to time, and to refund  
9 the same as they shall fall due. Said notes, bonds and other  
10 evidences of indebtedness shall be a legal obligation of said  
11 district, which is hereby declared to be a quasi-municipal  
12 corporation within the meaning of section one hundred and  
13 five of chapter fifty-one of the revised statutes of nineteen  
14 hundred and sixteen, and all the provisions of said section  
15 and acts amendatory thereof shall be applicable thereto.  
16 Said bonds shall be a legal investment for savings banks.  
17 The trustees may also borrow on the notes of the district  
18 such sums as may be necessary to meet the current ex-

19 penses of the district in anticipation of the collection of  
20 rates.

Sect. 13. All individuals, firms and corporations, whether  
2 public, private or municipal, shall pay to the treasurer of  
3 said district the rates established by the board of trustees  
4 for the service used by them, and said rates shall be uni-  
5 form within the district. Said rates shall be so established  
6 as to provide revenue for the following purposes :

I. To pay the current running expenses of the district, in-  
2 cluding maintenance and provision for depreciation.

II. To provide for payment of interest on the indebted-  
2 ness 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 debt.  
5 The money so set aside shall be devoted to the retirement  
6 of the obligations of the district, or invested in securities  
7 lawful for savings banks. Provided, however, that the trus-  
8 tees may, in their discretion and in lieu of the establishment  
9 of a sinking fund, issue bonds of the district so that not  
10 less than one per centum of the amount of the bonds so  
11 issued shall mature and be retired annually.

Sect. 14. Said district is hereby vested with all incidental  
2 powers, rights and privileges necessary to the accomplish-  
3 ment of the main objects of this act.

Sect. 15. This act shall take effect when approved by  
2 majority vote of the legal voters within said district voting

3 by ballot at an election to be specially called and held for  
4 the purpose after ninety days from the date of final ad-  
5 journment of this session of the legislature. The board of  
6 selectmen of the town of Monmouth shall call said elec-  
7 tion to be held upon a date to be specified in writing by not  
8 less than four of the following persons now resident therein,  
9 namely, John D. Lunn, A. V. Blaisdell, Eugene Andrews,  
10 C. M. Randlette, Carl T. Bragdon, George B. Pattle and  
11 W. C. Cobb. Said board of selectmen shall make and pro-  
12 vide a separate check list for such of the voters within said  
13 district as are then legal voters therein, and all warrants  
14 issued to said district shall be varied accordingly to show  
15 that only such voters therein are entitled to vote thereon.  
16 Such election shall be called, advertised and conducted ac-  
17 cording to the law relating to municipal elections, providing,  
18 however, that the selectmen shall not be required to pre-  
19 pare or the town clerk to post a new check list of voters,  
20 and for this purpose said board shall be in session the two  
21 secular days next preceding such election, the first day there-  
22 of to be devoted to the registration of voters and the last  
23 day to enable the board to verify the corrections of said list  
24 and to complete and close up the records of said sessions.  
25 The town clerk shall reduce the subject matter of this act  
26 to the following question: "Shall the act to incorporate the  
27 Monmouth Water and Sewer District be accepted?" and the  
28 voters shall indicate by depositing a ballot in the ballot box  
29 with the word "Yes" or "No" on the same, their opinion of  
30 the same. The result shall be declared in open meeting and

31 due certificate thereof filed by the town clerk with the sec-  
32 retary of state. If the majority of the votes cast shall be  
33 in the affirmative, said voters shall then proceed by written  
34 ballot to elect a board of trustees of said district as pro-  
35 vided in section seven of this act. Eleven qualified voters  
36 of said district shall constitute a quorum for the purposes  
37 of this election, but a less number may adjourn from time  
38 to time not exceeding seven days at one time.