

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 284**

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House of Representatives, March 11, 1921.

Reported by Mr. Hunton from Committee on Public Utilities  
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 Hallowell Water District.

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Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:

Section 1. All the territory of the city of Hallowell not  
2 included in the area described as beginning at a point in  
3 the center of Central street at the intersection of High  
4 street with Central street; thence southerly by the center  
5 of High street to its end; thence in a straight line from  
6 the end of High street to the center of the road leading  
7 from Hallowell to Litchfield where it intersects with the  
8 Outlet road, so called; thence by the center of the Litch-  
9 field road to the Farmingdale and Hallowell town line;

10 thence by the Farmingdale and Hallowell town line to the  
11 Manchester and Farmingdale town line; thence by the Man-  
12 chester and Hallowell town line to a point where Central  
13 street, if extended, in a straight line, would cross said Man-  
14 chester and Hallowell town line; thence in a straight line  
15 to the end of Central street and continuing by the center  
16 of Central street to the place of beginning; together with  
17 the people in said Hallowell, who are not inhabitants of  
18 the territory excepted, as aforesaid, shall constitute a pub-  
19 lic municipal corporation under the name of the Hallowell  
20 Water District for the purpose of supplying the inhabitants  
21 of said city with pure water for domestic, sanitary and  
22 municipal purposes.

Sect. 2. The said district, for the purposes of its incor-  
2 poration, is hereby authorized to take and hold, as for pub-  
3 lic uses, by purchase, eminent domain, or otherwise, any  
4 land or interest therein, or water rights necessary for erect-  
5 ing and maintaining dams, for flowage, for power for pump-  
6 ing its water supply through its mains, for reservoirs, for  
7 preserving the purity of the water and water shed, for lay-  
8 ing and maintaining aqueducts and other structures, for tak-  
9 ing, distributing, discharging and disposing of water and  
10 for rights of way or roadways to its sources of supply, its  
11 dams, power stations, reservoirs, mains, aqueducts, struc-  
12 tures and lands.

Sect. 3. The said district is hereby authorized, for the  
2 purposes of its incorporation, to erect, construct and main-

tain all dams, power stations, reservoirs, mains, aqueducts, structures and roadways necessary and convenient for its corporate purposes.

Sect. 4. The said district is hereby authorized to lay in and through the streets, roads, ways and highways of the city of Hallowell and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts, and fixtures as may be necessary and convenient for its corporate purposes; and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

Sect. 5. At the time this act takes effect, the title to the entire plant, property and franchises, rights and privileges, including all lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances, owned by the city of Hallowell and used or capable of being used for the purpose of maintaining a public water supply, together with all unexpended funds credited to the water department and all bills receivable for water service, shall vest in the Hallowell Water District, and become the property of said district.

Sect. 6. The said district through its trustees is hereby authorized to purchase or obtain a supply of pure water, when necessary, from any other water district, water company or source of supply.

Sect. 7. In exercising any right of eminent domain conferred upon it by law, from time to time, or any rights of eminent domain through or under the franchises of the city of Hallowell by it acquired, the said district shall file in the office of the county commissioners of Kennebec county and cause to be recorded in the registry of deeds in said county plans of the location of all lands or interests therein or water rights, to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of ten days from such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

Sect. 8. If any person, sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county

4 commissioners of Kennebec county, may have said dam-  
5 ages assessed by them; the procedure and all subsequent  
6 proceedings and right of appeal thereon shall be had under  
7 the same restrictions, conditions and limitations as are or  
8 may be by law prescribed in the case of damages by laying  
9 out of highways.

Sect. 9. In case of any crossing of a railroad, unless  
2 consent is given by the company owning or operating such  
3 railroad as to place, manner and conditions of the crossing,  
4 within thirty days after such consent is requested by said  
5 district, the public utilities commission shall determine the  
6 place, manner and conditions of such crossing; and all work  
7 within the limits of such railroad location shall be done  
8 under the supervision and to the satisfaction of such rail-  
9 road company, but at the expense of the district.

Sect. 10. All the affairs of said water district shall be  
2 managed by a board of trustees composed of three mem-  
3 bers, to be appointed by the mayor and confirmed by the  
4 board of aldermen of the city of Hallowell within thirty  
5 days after this act takes effect, the first one so appointed to  
6 hold office for one year, the second for two years, and the  
7 third for three years from the time of the regular January  
8 meeting of the city government next ensuing after this act  
9 becomes effective. Thereafter, one member shall be so ap-  
10 pointed and confirmed each year at the regular January  
11 meeting. In case of a vacancy by death, resignation or  
12 removal, a member shall be appointed and confirmed in like

13 manner forthwith, to serve the remainder of the term in  
14 which the vacancy occurs. The member serving the last  
15 year of his period of appointment shall be chairman, and the  
16 member serving next to the last year of his appointment  
17 shall be clerk. The trustees shall adopt a corporate seal  
18 and such by-laws as are necessary for their own convenience  
19 and the proper management of the affairs of the district.  
20 Said trustees may hold their meetings in the city govern-  
21 ment rooms. They shall receive such compensation as the  
22 city government may allow. Said trustees shall be at all  
23 times subject to removal by the city government, for proper  
24 cause shown.

Sect. 11. The trustees shall choose annually a treasurer  
2 and a superintendent of the district, and employ from time  
3 to time such other officers and agents as they may deem  
4 necessary. Said officers and agents shall perform such  
5 duties as shall be designated by the trustees, and be subject  
6 to removal by the trustees at all times. The treasurer shall  
7 give such bond to the trustees as they may require. The  
8 fiscal year of the district shall end December thirty-first.

Sect. 12. Said water district shall assume all the existing  
2 indebtedness of the city of Hallowell incurred previous to  
3 the time when this act takes effect in the establishment and  
4 maintenance of its present water supply, to the extent of  
5 twenty thousand dollars, and no more. And for the pur-  
6 pose of refunding said indebtedness and to procure such  
7 further sums as may be necessary to perfect and improve

8 the existing sources of water supply, and to secure new  
9 sources of supply, when necessary, said water district,  
10 through its trustees and subject to the approval of the pub-  
11 lic utilities commission, is authorized to issue its bonds to  
12 an amount sufficient for said purposes. Said water dis-  
13 trict, through its trustees, is also authorized to borrow  
14 money for temporary purposes and to issue therefor the  
15 interest-bearing negotiable notes of the district. Said bonds  
16 and notes shall be legal obligations of said water district,  
17 which is hereby declared to be a quasi municipal corpo-  
18 ration within the meaning of section one hundred and five,  
19 chapter fifty-one, of the revised statutes, and all the pro-  
20 visions of said section shall be applicable thereto. The  
21 said notes and bonds shall be legal investments for savings  
22 banks.

Sect. 13. 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. Said rates shall be uniform  
5 within the territory supplied by the district and subject to  
6 the approval of the public utilities commission. Said rates  
7 shall be so established as to provide revenue for the fol-  
8 lowing purposes:

1. To pay the current running expenses and renewals as  
2 may become necessary.
2. To provide for the payment of the interest on the in-  
2 debtedness of the district.



3. To provide each year a sum equal to not less than one  
2 nor 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.

Sect. 14. 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. 15. This act shall take effect in ninety days after  
2 the recess of the present session of the legislature, unless  
3 suspended under the provisions of section seventeen of  
4 article thirty-one of the constitution.