

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 63

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House of Representatives, Feb. 7, 1923.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Dunn of North Yarmouth.

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STATE OF MAINE

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

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AN ACT to Incorporate the Yarmouth Water District.

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EMERGENCY PREAMBLE. Whereas, it is imperative that the people within the territory hereinafter named be supplied with pure water;

And whereas, it is impossible to furnish such supply under the existing conditions;

And whereas, in the judgment of the legislature these facts create an emergency within the meaning of section sixteen of article thirty-one of the constitution of the state of Maine and require the following legislation as immediately

necessary for the preservation of the public peace, health and safety, now, therefore,

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

Section 1. The territory and the people constituting the 2 town of Yarmouth in the county of Cumberland and state 3 of Maine, are hereby constituted a body politic and cor- 4 porate under the name of the Yarmouth Water District, 5 subject to adoption by the people of said territory as here- 6 inafter provided. The purpose of said district is the sup- 7 plying of the inhabitants thereof with pure water for do- 8 mestic, sanitary and municipal purposes.

Sect. 2. For any of the purposes aforesaid, or for the 2 preservation and purity of said water, said district is here- 3 by authorized to take and use water from Royal river, or 4 from any spring, pond, brook or other water in the towns 5 of Yarmouth and New Gloucester, or from any springs, 6 brook or pond in the town of North Yarmouth; to con- 7 duct and distribute the same into and through the said 8 town of Yarmouth and North Yarmouth; to survey for, 9 locate, lay, erect and maintain suitable dams, reservoirs and 10 machinery, pipes, aqueducts and fixtures; to carry its pipes 11 or aqueducts under, in and over the Royal river, so called, 12 or under or over any water course, bridge, street, railroad, 13 highway or other way; and said district is further author- 14 ized to enter upon and excavate any highway or other way, 15 in such manner as least to disturb the same, and shall leave 16 said ways in as safe and passable condition as before such

17 excavation; to enter, pass over and excavate any lands, and  
18 to take and hold by purchase or otherwise, any real estate,  
19 rights of way or of water, and in general to do any acts  
20 necessary, convenient or proper for carrying out any of  
21 the purposes hereinbefore specified. And said district is  
22 further authorized, for the purpose of making all needed  
23 repairs or extensions or service connections, to lay its pipes  
24 through any public or private lands or ways, with the right  
25 to enter upon the same or dig therein. Said district shall  
26 not render service in territory served or authorized to be  
27 served by any other utility unless consent to such service  
28 be first obtained from the public utilities commission.

Sect. 3. The said district for effecting and carrying out  
2 the purposes of its incorporation is authorized to take and  
3 hold as for public uses, by purchase, eminent domain or  
4 otherwise, any land or interest therein, or water rights nec-  
5 essary for erecting and maintaining dams for flowage and  
6 power for pumping its water supply through its mains, for  
7 reservoirs or stand pipes, for preserving the purity of the  
8 water and water shed, for laying and maintaining aque-  
9 ducts and other structures, for taking, distributing and dis-  
10 posing of water, and for rights of way or roadways to its  
11 sources of supply, its dams, power stations, reservoirs,  
12 mains, aqueducts, structures and lands, and it is further  
13 authorized to erect, construct, and maintain dams, power  
14 stations, reservoirs, mains, aqueducts, structures and road-  
15 ways necessary and convenient for its purposes.

Sect. 4. Said district shall be held liable to pay all damages that shall be sustained by any person or corporation by the taking of any land, water or other property, or by excavating through any land for the purpose of laying down pipes and aqueducts or building any reservoir, stand pipe, or other structures herein authorized to be built, and also damages for any injury resulting from said acts, and if any person sustaining damages as aforesaid and said district cannot mutually agree upon the sum to be paid therefor, such damages may be ascertained in the same manner and under the same conditions and restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

Sect. 5. At the time this act takes effect the title to the land, plant, property and franchises, rights and privileges, including all lands, waters, water rights, dams, reservoirs, pipes, stand pipes, machinery, fixtures, hydrants, tools, apparatus and appliances, bills receivable and accounts receivable owned by the town of Yarmouth and used or capable of being used for the purpose of maintaining a public water supply, shall vest in the Yarmouth Water District and become the property of the said district.

Sect. 6. In case of any crossing of 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 such district, the public utilities commission shall, upon

6 petition setting forth a description of said premises and  
7 the reasons for said crossing, after notice given as said  
8 commission may prescribe, determine the place, manner  
9 and conditions of such crossing, and all work within the  
10 limits of such railroad location shall be done under the  
11 supervision and to the satisfaction of said railroad com-  
12 pany, but at the expense of said district.

Sect. 7. All the affairs of said Yarmouth Water District  
2 shall be managed by the board of trustees composed of  
3 three members to be elected by the lawful voters of said  
4 district who shall be such as are qualified to vote at any  
5 regular meeting of the town of Yarmouth.

Sect. 8. After the adoption of this act as hereinbefore  
2 provided, a meeting of said district for the election of a  
3 board of trustees may be called at a time and place desig-  
4 nated by any five persons who are entitled to vote at any  
5 meeting of the said district. Said notice shall specify the  
6 time and place of meeting and shall be posted in three or  
7 more conspicuous places within said district. A notice of  
8 said meeting shall also be advertised in any newspaper pub-  
9 lished in said county. The three trustees elected shall hold  
10 office as follows: one for one year, one for two years and  
11 one for three years. Each shall hold office until his suc-  
12 cessor shall be elected and qualified. At each annual meet-  
13 ing thereafter one member shall be elected for a term of  
14 three years. In case of a vacancy by death, resignation  
15 or removal a meeting of the district shall be called by giv-

16 ing notice as aforesaid for the election of a successor. Said  
17 board shall choose their chairman and a clerk who shall  
18 keep the records of said district. The trustees may adopt  
19 a seal and such by-laws as are necessary for their con-  
20 venience and for the proper management of the affairs of  
21 the district. They shall receive such compensation, if any,  
22 as the district at any regular or special meeting may de-  
23 termine, providing notice of such purpose shall be included  
24 in the call for the meeting. The trustees shall determine  
25 the times and places of their regular meetings which shall  
26 be held within said district and may have special meetings  
27 at any time by agreement or notice sent to the other trus-  
28 tees by any member of said board. Regular meetings of  
29 the district shall be held annually on the third Monday in  
30 February, and special meetings shall be called at any time  
31 by the trustees or any member of said board of trustees  
32 upon a written request of any ten lawful voters of said  
33 district. Said notice of such meeting shall specify the pur-  
34 pose to be transacted.

Sect. 9. All valid contracts and obligations of the town  
2 of Yarmouth issued for the purposes of supplying the in-  
3 habitants of said town with water shall be assumed and  
4 carried out by the Yarmouth Water District. Said district  
5 is hereby declared to be a quasi-municipal corporation with-  
6 in the meaning of section one hundred five of chapter fifty-  
7 one of the revised statutes of nineteen hundred sixteen,  
8 and the property of said district shall be exempt from tax-

9 ation. All incidental powers, rights and privileges neces-  
10 sary for the accomplishment of the object herein set forth  
11 are granted to the district hereby created.

Sect. 10. All individuals, firms and corporations, whether  
2 public, private or municipal, shall pay to the said district  
3 the rates established by said board of trustees for the water  
4 used by them, and said rates shall be uniform within the  
5 district. Said rates shall be so established as to provide  
6 revenue for the following purposes:

1. To pay the current running expenses for maintaining  
2 the water system and provide for such extensions and re-  
3 newals as may become necessary, except where such ex-  
4 tensions shall have been provided for by an issue of bonds  
5 as authorized in section thirty-seven of chapter fifty-five  
6 of the revised statutes.

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

3. To provide each year a sum equal to not less than one  
2 or more than four 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. Provided, however, that the trustees may, in their  
9 discretion and in lieu of the establishment of a sinking-  
10 fund, issue the bonds of the district so that not less than



11 one per centum of the amount of the bonds so issued shall  
12 mature and be retired each year.

Sect. 11. This act shall take effect when approved by a  
2 majority vote by ballot of the inhabitants of the town of  
3 Yarmouth at a town meeting held not later than the first  
4 day of October, nineteen hundred and twenty-three, called  
5 as provided by law.

Sect. 12. Nothing herein contained is intended to repeal  
2 or shall be construed as repealing the whole or any part  
3 of any existing statute. 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 and addi-  
7 tional thereto.

EMERGENCY CLAUSE. In view of the emergency  
2 cited in the preamble, this resolve shall take effect when  
3 approved.