

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sec of
State

NEW DRAFT

EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 372

House of Representatives, March 10, 1923.

Reported by Mr. Heal from Committee on Public Utilities
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Incorporate the Yarmouth Water District.

EMERGENCY PREAMBLE. Whereas, it is imperative
that the people within the territory hereinafter named be sup-
plied 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,

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 corpo-
4 rate 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 supply-
7 ing of the inhabitants thereof with pure water for domestic,
8 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 conduct
7 and distribute the same into and through the said town of
8 Yarmouth and North Yarmouth; to survey for, locate, lay,
9 erect and maintain suitable dams, reservoirs and machinery,
10 pipes, aqueducts and fixtures; to carry its pipes or aqueducts
11 under, in and over the Royal river, so-called, or under or
12 over any water course, bridge, street, railroad, highway or
13 other way; and said district is further authorized to enter
14 upon and excavate any highway or other way, in such
15 manner as least to disturb the same, and shall leave said
16 ways in as safe and passable condition as before such ex-
17 cavation; 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
25 right to enter upon the same or dig therein. Said district
26 shall not render service in territory served or authorized to
27 be 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
5 necessary for erecting and maintaining dams for flowage
6 and power for pumping its water supply through its mains,
7 for reservoirs or stand pipes, for preserving the purity of
8 the 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
2 damages that shall be sustained by any person or corpora-

3 tion by the taking of any land, water or other property, or
4 by excavating through any land for the purpose of laying
5 down pipes and aqueducts or building any reservoir, stand
6 pipe, or other structures herein authorized to be built, and
7 also damages for any injury resulting from said acts, and
8 if any person sustaining damages as aforesaid and said
9 district cannot mutually agree upon the sum to be paid
10 therefor, such damages may be ascertained in the same
11 manner and under the same conditions and restrictions and
12 limitations as are by law prescribed in the case of damages
13 by the laying out of highways.

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

Sect. 6. In case of any crossing of railroad, unless con-
2 sent is given by the company owning or operating such
3 railroad, as to place, manner and conditions of the cross-
4 ing, within thirty days after such consent is requested by
5 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
9 published in said county. The three trustees elected shall
10 hold office as follows: one for one year, one for two years
11 and one for three years. Each shall hold office until his
12 successor shall be elected and qualified. At each annual
13 meeting thereafter one member shall be elected for a term
14 of three years. In case of a vacancy by death, resignation
15 or removal a meeting of the district shall be called by
16 giving notice as aforesaid for the election of a successor.
17 Said board shall choose their chairman and a clerk who

18 shall keep the records of said district. The trustees may
19 adopt a seal and such by-laws as are necessary for their
20 convenience and for the proper management of the affairs
21 of the district. They shall receive such compensation, if
22 any as the district at any regular or special meeting may
23 determine, providing notice of such purpose shall be in-
24 cluded in the call for the meeting. The trustees shall
25 determine the times and places of their regular meetings
26 which shall be held within said district and may have
27 special meetings at any time by agreement or notice sent
28 to the other trustees by any member of said board. Regu-
29 lar meetings of the district shall be held annually on the
30 third Monday in February, and special meetings shall be
31 called at any time by the trustees or any member of said
32 board of trustees upon a written request of any ten lawful
33 voters of said district. Said notice of such meeting shall
34 specify the purpose to be transacted.

Sect. 9. All valid contracts and obligations of the town
2 of Yarmouth issued for the purposes of supplying the
3 inhabitants 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
6 within the meaning of section one hundred five of chapter
7 fifty-one of the revised statutes of nineteen hundred sixteen,
8 and the property of said district shall be exempt from
9 taxation. All incidental powers, rights and privileges nec-

10 essary for the accomplishment of the object herein set
11 forth 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 shall interfere with or in any
2 way curtail the right of the state to take its supply of
3 water for the school for feeble minded at Pownal from
4 Royal river, or its right to use said Royal river at all times
5 for the drainage of sewerage from said school, and build-
6 ings used therewith.

Sect. 13. Nothing herein contained is intended to repeal
2 or shall be construed as repealing the whole or any part of
3 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 cited
in the preamble, this resolve shall take effect when approved.