

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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**House Document**

**No. 541**

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H. P. 1096

House of Representatives, Mar. 30, 1927.

Reported by Mr. Aldrich from Committee on Judiciary and laid on table to be 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-SEVEN

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AN ACT to Incorporate the Howland Sewerage and Water  
District.

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

Section 1. That part of the territory in the town of Howland, in the county of Penobscot, embraced within the limits described as follows: Beginning at the south bank of the Run-Round, so-called, in said town of Howland at the point of juncture where said Run-Round leaves the west bank of the Penobscot river; thence in a straight line from said point of juncture to the northeast corner of the Piscataquis River Lot numbered twenty-four, as shown in R. Gilmore's survey of the town of Howland, recorded in Penobscot Registry of Deeds in Plan Book Number One; thence in a straight line by the north boundary line of said lot num-

bered twenty-four to a point in the east bank of the Piscata-  
quis river where said boundary line meets said east bank;  
thence crossing said Piscataquis river in a straight line from  
said last mentioned point to a point on the west bank of  
the Piscataquis river, which latter mentioned point is the  
point on said west bank of said Piscataquis river where the  
boundary line between Piscataquis River Lots numbered  
twenty-one and twenty-two (according to said Gilmore's  
survey) touches said west bank of the Piscataquis river  
at the shore thereof; thence in a straight line by and on said  
boundary line to its southerly end between said lots num-  
bered twenty-one and twenty-two; thence from the point  
made by said southerly end of said boundary line between  
said lots numbered twenty-one and twenty-two in a straight  
line to a point made by the intersection of the easterly  
boundary line of Piscataquis River Lot numbered twenty-  
five (according to said Gilmore's survey) and the southerly  
side of road or highway leading from Howland to Lagrange  
in said county of Penobscot; thence from said last men-  
tioned point in a straight line to the boundary line between  
Penobscot River Lots numbered six and seven (according  
to Gilmore's survey), which are on the south side of the  
Piscataquis river, to a point in said last mentioned boundary  
line where the northwest corner of the Emerson cemetery,  
so-called, in said town of Howland, intersects and is lo-  
cated upon said boundary line; thence from said point last  
mentioned in a straight line by and on the boundary line

39 between said lots numbered six and seven to the Penobscot  
40 river; thence by and along said river to the place of be-  
41 ginning together with the inhabitants within said territory,  
42 is hereby created a body politic and corporate by the name  
43 of the Howland Sewerage and Water District, for the pur-  
44 pose of providing a system of sewers and drainage for the  
45 comfort, convenience and health of the inhabitants of said  
46 district, and for the purpose of supplying the inhabitants of  
47 said district, and other persons reasonably accessible as  
48 hereinafter provided, with pure water for domestic, mercan-  
49 tile and municipal purposes.

Sect. 2. For the purpose of providing a system of sewers  
2 and drainage for the comfort, convenience and health of  
3 the inhabitants of said district, the said district is hereby  
4 authorized and empowered to: Acquire and hold real es-  
5 tate and personal estate necessary and convenient for the  
6 purposes aforesaid and is hereby authorized to take and  
7 hold by purchase, lease or the exercise of the right of emi-  
8 nent domain, as hereinafter provided, or otherwise, any land  
9 or real estate or easement therein necessary for forming  
10 basins, reservoirs and outlets; for erection of buildings for  
11 pumping works, and for laying pipes and maintaining same  
12 and for laying and maintaining conduits for carrying and  
13 collecting, discharging and disposing of sewerage matter and  
14 waters and for other objects necessary, convenient and  
15 proper for the purposes of this act.

Said district shall be liable to pay all damages that shall

2 be sustained by any person or corporation in their property  
3 by the taking of any land or easements therein, under the  
4 provisions of this act; and if any person or corporation  
5 sustaining damages as aforesaid, and the said district shall  
6 not mutually agree upon the sum to be paid therefor, such  
7 person or corporation may cause his or its damages to be  
8 ascertained in the same manner and under the same condi-  
9 tions and limitations as are by law prescribed in the case of  
10 damages resulting from the laying out of highways.

Said district may lay pipes, and construct conduits in man-  
2 ner aforesaid in and through said district to and into the  
3 Penobscot river, the discharge therefrom to be at such point  
4 or points in said Penobscot river as shall be most reasonable  
5 and convenient for said district, and convey through the  
6 same sewerage, surface water and the natural flowage of  
7 existing water courses, and secure and maintain basins,  
8 reservoirs and outlets; may build and maintain pumping  
9 stations and buildings convenient for same; may construct  
10 and maintain flush tanks, man-holes, lamp holes, and such  
11 usual appliances for collecting, holding, distributing and  
12 disposing of sewerage matters; may provide water for such  
13 flush tanks and for flushing said system of sewers and for  
14 any other purposes for which said district may deem the  
15 same desirable, and install all pipes and necessary structures  
16 and appliances to this end; may establish through and by  
17 its trustees regulations for the use of sewers and fix and  
18 collect the prices to be paid for entering the same, and also

19 the annual rentals for using thereof; and said district is  
20 hereby authorized for the purposes aforesaid, to lay down,  
21 in and through the streets, highways and lands of said dis-  
22 trict, and take up, replace and repair all such conduits, pipes,  
23 and fixtures as may be necessary or desirable for the ob-  
24 jects of its incorporation; to carry and lay conduits and  
25 pipes under any water course, way, public or private, or  
26 railroad in the manner prescribed by law, and to cross any  
27 drain or sewer, or, if necessary, to change its direction in  
28 such a manner as not to obstruct the use thereof, and to  
29 enter and dig up any such streets, road or way, for the pur-  
30 pose of laying pipes beneath the surface thereof, for placing  
31 man-holes or other fixtures and for maintaining or repairing  
32 the same, and in general to do any other acts or things nec-  
33 essary, convenient and proper to be done for the purpose of  
34 this act.

Said district at all times, after it shall commence receiving  
2 pay for the facilities supplied by it, shall be found to permit  
3 the owners of all premises abutting upon its lines of pipes  
4 and conduits, to enter the same with all proper sewerage  
5 upon conformity to the rules and regulations of said village  
6 corporation, and payment of the prices and rentals estab-  
7 lished therefor.

Any person who shall place or leave any offensive or in-  
2 jurious matter or material on or in the conduits, catch-  
3 basins or receptacles of said district contrary to its regula-  
4 tions, or shall wilfully injure any conduit, pipe, reservoir,

5 flush tank, catch-basin, man-hole, lamp hole, outlet, engine,  
6 pump or other property held, owned or used by said district  
7 for the purposes of this act, shall pay twice the amount of  
8 the damages to said district to be recovered in any proper  
9 action; and such person on conviction of either of said acts  
10 or wilful injury aforesaid, shall be punished by a fine not  
11 exceeding two hundred dollars, and by imprisonment not  
12 exceeding one year.

Said district shall be liable to any person injured by any  
2 fault of said district or its agents, or any defects in the  
3 highway occasioned by the construction of the works, i. e.,  
4 sewer system, of said district during said construction or  
5 after the same has been completed or while the same shall  
6 be undergoing repairs or extensions are being made; and  
7 said district shall also be liable to the said town of Howland  
8 for any and all costs, damages and expenses which said  
9 town may suffer or be put to, by reason of the default,  
10 neglect, negligence or carelessness of said district or of any  
11 of its officers, servants or agents in creating, maintaining  
12 or repairing said sewer system.

Sections five to eleven inclusive of chapter twenty-two of  
2 the revised statutes shall apply to sewers and drains con-  
3 structed hereunder by said district and the acceptance of  
4 this charter by the legal voters within the limits of said  
5 district as is hereinafter provided, shall constitute an accept-  
6 ance of said sections, as an acceptance is prescribed and  
7 contemplated by section twelve of said chapter twenty-two.

8 In the application of said sections five to eleven, the trustees  
9 of said district shall perform all acts and duties and be  
10 subject to all responsibilities of municipal officers as pre-  
11 scribed by said sections.

In case said district shall borrow money and issue therefor  
2 its notes or bonds for the specific purpose of erecting,  
3 instituting, constructing, managing, maintaining or improv-  
4 ing a sewerage system, as it is provided it may do by sec-  
5 tion four of this act, such notes or bonds shall be designated  
6 as "Howland Sewerage and Water District Sewerage  
7 Notes," or "Howland Sewerage and Water District Sewer-  
8 age Bonds," as the case may be.

All individuals, firms, and corporations, whether private,  
2 public or municipal, shall pay to the treasurer of said dis-  
3 trict the rates established by said trustees for the entrance  
4 and use of said sewer system, and said rates shall be uniform  
5 within the territory served by said district. Said rates shall  
6 be so established by said trustees as to provide revenue for  
7 the following purposes:

I. To pay the current running expenses for maintaining  
2 said sewerage and drainage system and provide for such  
3 extensions and renewals as may become necessary in the  
4 ordinary course of business, but not including extraordinary  
5 or unusual extension for which bond issues may be deemed  
6 advisable by the trustees.

II. To provide for the payment of the interest on the  
2 indebtedness of the district incurred on account of or in



3 behalf of the creation, installation, construction, manage-  
4 ment, maintenance or improvement of said sewerage system.

III. To provide a sum each year equal to not less than one  
2 per cent nor more than five per cent of the aggregate prin-  
3 cipal of outstanding notes and bonds issued on account of  
4 or in behalf of said sewer and drainage system as aforesaid,  
5 which sums shall be turned into a sinking-fund to provide  
6 for the final extinguishment of said sewerage system funded  
7 debt. The money set aside for the sinking-fund shall be  
8 devoted to the retirement of said notes and bonds or in-  
9 vested in such securities as savings banks are allowed to  
10 hold. The treasurer is authorized and empowered to create  
11 a fund to be known as the "Howland Sewerage System  
12 Loan Sinking Fund," and to keep and deposit therein all  
13 moneys and securities received each year under paragraph  
14 III of section two of this act. And no part of said fund  
15 shall at any time be available or be used for any other pur-  
16 pose than to extinguish said sewer system funded debt, until  
17 said debt shall have been extinguished.

IV. If any surplus remains at the end of the year, it may  
2 be turned into the sinking-fund.

Provided that until said district shall create and maintain  
2 a sewer and drainage system as above provided, it may con-  
3 tract with any firm, individual or corporation to furnish such  
4 sewer and drainage service.

Sect. 3 For the purpose of supplying the inhabitants of  
2 the district, and other persons reasonably accessible as here-

3 in after provided, with pure water for domestic, mercantile  
4 and municipal purposes, the said district is authorized and  
5 empowered to take, detain, collect, store, hold, divert, use  
6 and distribute sufficient water from the Piscataquis river;  
7 to take and hold as for public uses, by purchase, lease or the  
8 exercise of the right of eminent domain as hereinafter pro-  
9 vided, any land or real estate, or water rights in the county  
10 of Penobscot reasonably necessary and convenient for the  
11 construction and maintenance of dams, for flowage, for pow-  
12 er, for pumping its water supply through its mains, for  
13 reservoirs, for preserving the purity of the water and water-  
14 shed, for laying and maintaining aqueducts and other struc-  
15 tures and equipment, for taking, collecting, holding, dis-  
16 tributing, purifying, discharging and disposing of water, and  
17 for rights of way or roadways, to its sources of supply,  
18 dams, power-stations, reservoirs, stand-pipes, mains, aque-  
19 ducts, structures and lands. In case of the crossing of any  
20 railroad, unless consent is given by the company owning  
21 or operating such railroad as to place, manner and condi-  
22 tions of the crossing, within thirty days after such consent  
23 is requested by said district, the public utilities commission  
24 shall determine the place, manner and conditions of all such  
25 crossings, and all work done within the limits of such rail-  
26 road location shall be done under the supervision and to the  
27 satisfaction of such railroad company, but at the expense  
28 of said district.

Said district shall be liable for all damages that shall be

2 legally sustained by any person or corporation in their prop-  
3 erty by the taking of any land whatsoever, or by flowage,  
4 or by excavating through any land for the purpose of laying  
5 pipes, building dams or constructing reservoirs. If any  
6 person sustaining damages as aforesaid and said district  
7 shall not mutually agree upon the sum to be paid therefor,  
8 such person may cause his damages to be ascertained in the  
9 same manner and under the same conditions, restrictions  
10 and limitations as are or may be prescribed in the case of  
11 damages resulting from the laying out of highways.

Said district is hereby authorized to lay in and through  
2 the streets and highways thereof, and to take up, repair  
3 and replace all such pipes, aqueducts and fixtures as may be  
4 necessary for the objects above set forth, and whenever  
5 said district shall lay any pipes or aqueducts in any street  
6 or highway, it shall cause the same to be done with as little  
7 obstruction as possible to the public travel, and shall at its  
8 own expense without unnecessary delay, cause the earth and  
9 pavement removed by it to be replaced in proper condition.

Said district may supply water for any of the purposes of  
2 its incorporation to such persons or corporations outside  
3 of the geographical limits of the district as in the judgment  
4 of its trustees are reasonably accessible to its mains, and can  
5 be profitably and economically served without detriment to  
6 the interests of the district, and may establish through and  
7 by its trustees regulations for the use of water and fix and  
8 collect rates for the use thereof as hereinafter provided.

In case said district shall borrow money and issue therefor  
2 its notes or bonds, for the specific purpose of creating, in-  
3 stalling, constructing, managing, maintaining, or improving  
4 a water supply system, as it is provided it may do in section  
5 four of this act, such notes or bonds shall be designated as  
6 "Howland Sewerage and Water District Water Supply  
7 Notes," or "Howland Sewerage and Water District Water  
8 Supply Bonds," as the case may be.

All individuals, firms and corporations, whether private,  
2 public, or municipal, shall pay to the treasurer of said dis-  
3 trict the rates established by its trustees for the water used  
4 by them, and said rates shall be uniform within the territory  
5 supplied by the district. Said rates shall be so established  
6 by said trustees as to provide revenue for the following  
7 purposes:

I. To pay the current running expenses for the maintain-  
2 ing of the water system, and provide for such extensions  
3 and renewals as may become necessary in the ordinary  
4 course of business, but not including extraordinary or un-  
5 usual extensions for which bond issues may be deemed ad-  
6 visable by the trustees.

II. To provide for the payment of the interest on the in-  
2 debtedness of the district incurred on account of or in be-  
3 half of the creation, installation, construction, maintenance  
4 or improvement of said water supply system.

III. To provide each year a sum equal to not less than one  
2 or more than five per cent of the aggregate principal of out-

3 standing notes and bonds issued on account of or in behalf  
4 of said water supply system as aforesaid, which sum shall be  
5 turned into a sinking-fund to provide for the final extin-  
6 guishment of said water supply system funded debt. The  
7 money set aside for the sinking-fund shall be devoted to the  
8 retirement of said notes and bonds, or invested in such  
9 securities as savings banks are allowed to hold. The treas-  
10 urer is hereby authorized and empowered to create a fund  
11 to be known as the "Howland Water Supply System Loan  
12 Sinking Fund" and to keep and deposit therein all moneys  
13 and securities received each year under this paragraph III of  
14 section three of this act and no part of said fund shall at  
15 any time be available or be used for any other purpose than  
16 to extinguish said water supply system debt, until said debt  
17 shall have been extinguished.

IV. If any surplus remains at the end of the year, it may  
2 be turned into the sinking fund.

Provided that until said district shall create and maintain  
2 a water supply system as above provided, it may contract  
3 with any firm, individual or corporation to furnish such  
4 water supply.

Sect. 4. For accomplishing the purposes of this act, said  
2 district, through its trustees, is authorized to borrow money  
3 temporarily, and to issue therefor the interest-bearing nego-  
4 tiable notes of the district, and for the purpose of refunding  
5 the indebtedness so created, of paying any necessary ex-  
6 penses and liabilities incurred under the provisions of this

7 act, including the expense incurred in the creation of the  
8 district, in securing sources of supply, acquiring or taking  
9 water and land, paying damages, laying pipes and conduits,  
10 constructing, maintaining and operating a watering plant  
11 and sewerage plant, and making extensions, additions and  
12 improvements to the same, and for the purpose of raising  
13 the amount of money required to accomplish the various  
14 purposes contemplated by this act, to wit, the construction  
15 of a sewerage and drainage system and a water supply  
16 system, and the accomplishment of all other things neces-  
17 sary, useful or incidental thereto, the said district through  
18 its trustees, may from time to time issue bonds of the dis-  
19 trict to an amount necessary in the judgment of the trustees  
20 therefor. Said notes and bonds shall be legal obligations of  
21 said water district, which is hereby declared to be a quasi-  
22 municipal corporation within the meaning of section one  
23 hundred and five of chapter fifty-one of the revised statutes,  
24 and all the provisions of said section shall be applicable  
25 thereto. The said notes and bonds shall be legal investments  
26 for savings banks.

Sect. 5. All incidental powers, rights and privileges neces-  
2 sary to the accomplishment of the main object herein set  
3 forth are granted to the corporation hereby created.

Sect. 6. All the affairs of said sewerage and water dis-  
2 trict shall be managed by a board of trustees composed of  
3 six members to be chosen by ballot by the legal voters with-  
4 in said district, the first election to be at the meeting of the

5 legal voters of said district to be called to accept this act,  
6 two to serve until the annual meeting to be held in nineteen  
7 hundred and twenty-eight, two to serve until the annual  
8 meeting to be held in nineteen hundred and twenty-nine,  
9 and two to serve until the annual meeting to be held in nine-  
10 teen hundred and thirty. Whenever the term of office of a  
11 trustee shall expire, the legal voters of said district shall  
12 elect a successor to serve for a full term of three years, and  
13 if any other vacancy occurs it may be filled in like manner  
14 for the unexpired term. Upon the election to office of any  
15 trustee or trustees hereunder, the municipal officers of the  
16 town of Howland shall forthwith declare the fact of such  
17 election and file due certificate thereof with the town clerk  
18 of said town. The annual meeting and election of officers  
19 shall be on the second Monday of March in each year. As  
20 soon as convenient after the board of trustees has been  
21 chosen, the said trustees shall hold a meeting at the office of  
22 the selectmen in the town of Howland, and organize by the  
23 election of a chairman, a clerk and a treasurer, adopt a  
24 corporate seal, and when necessary, may choose and appoint  
25 all other needful officers and agents for the proper manage-  
26 ment of the affairs of said district. The treasurer shall be  
27 required to furnish an adequate bond for the protection of  
28 said district. Said trustees may procure an office and incur  
29 such expenses as may be necessary. Each trustee shall re-  
30 ceive in full compensation for his services, such sum or  
31 sums as shall be provided for in the by-laws of said district.

The said district, at any legal meeting thereof, called for  
2 the purpose, may adopt such by-laws and provisions, not  
3 inconsistent with the laws and constitution of this state and  
4 the United States, as they may deem expedient and neces-  
5 sary for the better government and regulation of its affairs  
6 within said district, in which case said by-laws and provi-  
7 sions so adopted, shall extend to said district as fully, to all  
8 intents and purposes, as the other provisions of this act,  
9 subject only to alterations or additions by a two-thirds vote,  
10 at a legal meeting of said district called for the purpose.

At the close of each fiscal year the trustees shall make a  
2 detailed report of their doings of the receipts and expendi-  
3 tures of said district, of its financial and physical condition,  
4 and of such other matters and things pertaining to said dis-  
5 trict as shall show the inhabitants of said district how said  
6 trustees are fulfilling the duties and obligations of their  
7 trust, such reports to be made and filed with the municipal  
8 officers of the town of Howland on or before the first day  
9 of February in each year. The report of said trustees shall  
10 be printed by the municipal officers of the town of Howland  
11 in their yearly report.

Sect. 7. This act shall take effect when accepted by a  
2 majority vote of the legal voters within said Howland Sew-  
3 erage and Water District, voting at a meeting to be specially  
4 called and held for the purpose on or before the first day of  
5 August, nineteen hundred and twenty-seven and Matthew  
6 N. Twombly, F. W. Smart, W. H. McKay, and E. A.



7 Dekin, or either of them, are hereby authorized to call said  
8 meeting. The board of registration shall make and pro-  
9 vide a separate check list of each of the voters within said  
10 Howland Sewerage and Water District as are then legal  
11 voters of said town and all warrants issued to said voters  
12 shall be varied accordingly to show that only such voters  
13 therein are entitled to vote thereon. Such special meeting  
14 shall be called, advertised and conducted according to the  
15 law relating to municipal elections, provided, however, that  
16 the board of registration shall not be required to prepare  
17 or the town clerk to post a new list of voters, and for this  
18 purpose said board shall be in session the three secular days  
19 next preceding such election, the first two days thereof to  
20 be devoted to registration of voters and the last day to  
21 enable the board to verify the corrections of said lists and  
22 to complete and close up its records of said session. The  
23 town clerk shall reduce the subject matter of this act to the  
24 following question: "Shall the act to incorporate the How-  
25 land Sewerage and Water District be accepted?" and the  
26 voters shall indicate by a cross placed against the words  
27 "yes" or "no" their opinion of the same. The result shall  
28 be declared by the selectmen of Howland, and due certificate  
29 thereof filed by the town clerk with the secretary of state.

Sect. 8. This act shall take effect in ninety days after the  
2 final adjournment of the legislature, so far as necessary to  
3 empower the calling and holding of the election authorized  
4 by section seven as herein provided for.

Sect. 9. Nothing herein contained is intended to repeal or  
2 shall be construed as repealing the whole or any part of any  
3 existing statute, and all the rights and duties herein men-  
4 tioned shall be exercised and performed in accordance with  
5 all the applicable provisions of chapter fifty-five of the  
6 revised statutes, and acts amendatory thereof or additional  
7 thereto.