

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 302

H. P. 883 House of Representatives, Feb. 6, 1929.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Roach of New Gloucester.

STATE OF MAINE

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

AN ACT to Create the Gray Water District.

EMERGENCY PREAMBLE

Whereas, the inhabitants of the town of Gray in the county of Cumberland have no public water supply and the built-up portions of said town are in danger of destruction in case of fire, and the inhabitants of said town are unable to procure a satisfactory supply of pure water for domestic and sanitary purposes, and whereas, in the opinion of the legislature these facts render the immediate passage of this act necessary for the preservation of the public peace, health and safety, and constitute an emergency within the meaning of the constitution, now therefore

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

Section 1. Subject to the provisions of section thirteen
2 hereof, the following described territory and the people with-
3 in the same, namely, so much of the town of Gray as lies
4 west of the location of the Maine Central Railroad in said
5 town shall constitute a public municipal corporation under
6 the name of "Gray Water District" for the purpose of sup-
7 plying said town of Gray, and the inhabitants of said town
8 and the village corporations therein located, with pure water
9 for domestic, manufacturing, sanitary and municipal pur-
10 poses.

Sect. 2. The said district for effecting and carrying out
2 the purposes of its incorporation may retain, collect, take,
3 store, use and distribute water from any springs, ponds,
4 streams or other water sources in said town of Gray.

Sect. 3. The said district for the purposes of its incorpo-
2 ration is hereby authorized to take and hold as for public
3 uses, by purchase or otherwise, any lands or interests there-
4 in, or water rights necessary for erecting and maintaining
5 dams, for flowage, for power, for pumping its water supply
6 through its mains, for reservoirs, for preserving the purity
7 of the water and water shed, for laying and maintaining
8 aqueducts and other structures, for taking, distributing and
9 disposing of water and for rights of way or roadways to
10 its sources of supply, dams, power stations, reservoirs,
11 mains, aqueducts, structures and land.

Sect. 4. The said district is hereby authorized to lay in

2 and through the streets, roads, ways, highways and bridges
3 in said town of Gray, and across private lands therein, and
4 to maintain, repair and replace all such pipes, aqueducts
5 and fixtures as may be necessary and convenient for its
6 corporate purposes, and whenever said district shall lay any
7 pipes or aqueducts in any street, roadway or highway, it
8 shall cause the same to be done with as little obstruction as
9 practicable to the public travel, and shall at its own expense,
10 without unnecessary delay, cause the earth and pavement
11 removed by it to be replaced in proper condition.

Sect. 5. Said water district is hereby authorized for the
2 purposes of its incorporation to erect and maintain all dams,
3 reservoirs and structures necessary and convenient for its
4 corporate purposes.

Sect. 6. In exercising the 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 Cum-
4 berland county and record in the registry of deeds in said
5 county plans of the location of all lands or interests therein,
6 or water rights to be taken, with an appropriate description
7 and names of the owners thereof, if known. If for any
8 reason the district fails to acquire the property authorized
9 to be taken and which is described in such location, or the
10 location recorded is defective or uncertain, it may at any
11 time correct and perfect such taking and file a new descrip-
12 tion thereof, and in such case the district is liable in damages
13 only for the property for which the owner had not previous-

14 ly been paid, to be assessed as of the time of the original
15 taking; and the district shall not be liable for any acts which
16 would have been justified if the original taking had been
17 lawful. No entry shall be made on any private lands except
18 to make surveys until the expiration of ten days from said
19 filing, whereupon possession may be had of all such lands
20 or interests therein or water rights so taken, but title thereto
21 shall not vest in said district until payment therefor.

Sect. 7. If any person sustaining damages by any taking
2 as aforesaid shall not agree with the district upon the sum
3 to be paid therefor, either party upon petition to the county
4 commissioners of Cumberland county may have such dam-
5 ages assessed by them. The procedure and all subsequent
6 proceedings and right of appeal therefrom shall be had
7 under the same restrictions, conditions and limitations as
8 are or may be by law designated in the case of damages by
9 the laying out of highways.

Sect. 8. In case of any crossing of railroads, unless con-
2 sent is given by the company owning or operating such rail-
3 road, as to place, manner and conditions of the crossing,
4 within thirty days after such consent is requested by such
5 district, the public utilities commission shall, upon petition
6 setting forth a description of said premises and the reasons
7 for said crossing after notice given as said commission may
8 prescribe, determine the place, manner and conditions of
9 such crossing, and all work within the limits of such rail-
10 road location shall be done under the supervision of the rail-

11 road company and to the satisfaction of said company, but
12 at the expense of said water district, unless otherwise
13 ordered by said public utilities commission.

Sect. 9. All the affairs of said district shall be managed
2 by a board of trustees composed of five members who shall
3 be residents in the district. The trustees to be so elected
4 shall be chosen by a plurality vote of the legal voters within
5 said district, voting at an election to be specially called for
6 the acceptance of this act and the election of said trustees
7 on the first Monday of May, nineteen hundred and twenty-
8 nine. Such special election shall be called, advertised and
9 conducted according to the law relating to municipal elec-
10 tions in said town, except as otherwise provided herein.
11 Provided, however, that the municipal officers in said town
12 of Gray shall not be required to prepare for posting, or the
13 town clerk thereof to post, a new list of voters, but for the
14 purpose of registration of voters said municipal officers shall
15 be in session for three secular days next preceding such
16 election, the first two days thereof to be devoted to regis-
17 tration of voters, and the last day to enable said municipal
18 officers to verify the corrections of said lists, and to com-
19 plete and close up their records of said session. All nomi-
20 nations of candidates so to be voted for shall be made by
21 nomination papers signed in the aggregate for each candi-
22 date by not less than twenty-five qualified voters within said
23 water district. Each voter signing the nomination paper
24 shall make his signature in person and add to it his place

25 of residence, and each voter may subscribe to as many
26 nominations as there are trustees to be elected and no more.
27 Such nomination papers shall, before being filed, be sub-
28 mitted to the town clerk of the town of Gray, who shall
29 forthwith certify thereon what number of the signatures
30 are names of qualified voters in said district; one of the
31 signers to each such separate paper shall swear to the truth
32 thereof and the certificate of such oath shall be annexed to
33 or made upon the nomination papers. Such nomination
34 papers shall be filed with said town clerk at least seven
35 days, exclusive of Sundays, previous to the day of such
36 election. With such nomination papers shall be filed the
37 consent in writing of the person or persons nominated. All
38 nomination papers being filed and being in apparent con-
39 formity with the foregoing provisions, shall be deemed to
40 be valid, and if not in apparent conformity they may be
41 seasonably amended under oath. In case any candidate who
42 has been duly nominated under the provisions hereof shall
43 die before the day of election, or shall withdraw in writing,
44 the vacancy may be supplied in the manner herein provided
45 for such nominations. The name so supplied for the va-
46 cancy shall, if the ballots have not been printed, be placed
47 on the ballots instead of the original nomination; or, if the
48 ballots have been printed, new ballots containing the new
49 nomination shall, if practicable, be furnished, or slips con-
50 taining the new nomination shall be printed under the direc-
51 tion of the town clerk, which may be pasted in proper place

52 upon the ballots, and thereafter shall become part and parcel
53 of said ballots as if originally printed thereon.

The ballot shall be substantially as follows: It shall contain
2 the names of all candidates so nominated printed in one
3 column under the heading, "For Trustees of Gray Water
4 District." Above such heading shall be printed "Vote for
5 five (or such number as may be appropriate) Trustees.
6 Make a cross to the right of each name voted for." As
7 many blank spaces shall be left after the names of the can-
8 didates as there are trustees to be elected, in which the
9 voter may by writing insert the name or names of any
10 person or persons for whom he desires to vote. In prepar-
11 ing his ballot the voter shall mark a cross (X) against and
12 to the right of such names on such ballot as he desires to
13 vote for, not to exceed the number of trustees so to be
14 elected. If the voter shall desire to vote for any person or
15 persons whose name or names are not on the printed ballot,
16 he may fill in such name or names in the blank spaces left
17 therefor by writing the same therein. Where the voter so
18 adds by writing in such new name or names, his vote for
19 such new name or names shall be counted therefor although
20 he may fail to mark a cross against the same. The result
21 of such election shall be declared by said municipal officers,
22 and due certificate thereof filed with the town clerk. The
23 term of office of the trustees shall begin on said first Monday
24 of May.

As soon as convenient after the members of said board

2 have been so chosen, said trustees shall hold a meeting at
3 the selectmen's office in said town of Gray, to be called by
4 one of said trustees upon such reasonable notice therefor
5 as he deems proper. They shall organize by the election
6 of a president and clerk, adopt a corporate seal, and, when
7 necessary, may choose a treasurer and all other needful
8 officers and agents for the proper conduct and management
9 of the affairs of said district. They may also ordain and
10 establish such by-laws as are necessary for their own con-
11 venience and the proper management of the affairs of the
12 district. At said first meeting the trustees so elected shall
13 determine by lot the term of office of each trustee, so that
14 one trustee shall retire each year and whenever the term of
15 office of a trustee expires, his successor shall be elected by
16 a plurality vote by the inhabitants of said district, and upon
17 nomination made as herein provided for the first election of
18 trustees, and for the purpose of such election a special
19 election shall be called and held on the first Monday of
20 May in each year, the same to be called in the manner
21 hereinbefore provided for the first election of trustees. The
22 trustee so elected shall serve the full term of five years;
23 and in case any vacancy arises in the membership of the
24 board of trustees, it shall be filled in like manner for the
25 unexpired term by special election to be called by the mu-
26 nicipal officers for the town of Gray. When any trustee
27 ceases to be a resident of the district, he shall vacate such
28 office of trustee and the vacancy shall be filled as aforesaid.

29 All such trustees shall be eligible to re-election, but no
30 person holding the office of selectmen or road commissioner
31 in the town of Gray shall be eligible to nomination or elec-
32 tion as trustee. Said trustees may procure an office and
33 incur such expenses as may be necessary. Each member
34 shall receive in full compensation for his services in what-
35 ever capacity an allowance of fifty dollars per annum and
36 no more. At the close of each fiscal year the trustees shall
37 make a detailed report of their doing, of the receipts and
38 expenditures of said water district, of its financial and
39 physical condition and of such other matters and things
40 pertaining to said district as shall show the inhabitants of
41 said district how said trustees are fulfilling the duties and
42 obligations of their trust—such report to be made and filed
43 with the municipal officers of said town of Gray.

Sect. 10. For accomplishing the purposes of this act, said
2 water district through its trustees is authorized to borrow
3 money temporarily and to issue therefor the negotiable notes
4 of the district, and for the purpose of refunding the indebt-
5 edness so created, for paying any necessary expenses and
6 liabilities incurred under the provisions of this act, includ-
7 ing the expenses incurred in the creation of a district, in
8 securing sources of supply, taking water and land, paying
9 damages, laying pipes, constructing, maintaining and operat-
10 ing a water plant and making renewals, extensions, additions
11 and improvements to the same, and protecting the water
12 shed, the said water district through its trustees may from

13 time to time issue bonds of the district to an amount or
14 amounts necessary in the judgment of the trustees therefor.
15 Said notes and bonds shall be legal obligations of said water
16 district, which is hereby declared to be a quasi municipal
17 corporation within the meaning of section one hundred five
18 of chapter fifty-one of the revised statutes, and all of the
19 provisions of said section shall be applicable thereto. Said
20 notes and bonds shall be legal investments for savings banks.

Sect. 11. Said water district is hereby authorized to make
2 contracts with the town of Gray and with corporations and
3 inhabitants of said town of Gray, or any village corporation
4 therein for the purpose of supplying water as contemplated
5 by this act, and the town of Gray by its selectmen or any
6 village corporation therein by its proper officers is hereby
7 authorized to enter into a contract with said district for a
8 supply of water for public uses on such terms and for such
9 time as the parties may agree, which contract when made
10 shall be legal and binding on all parties thereto and said
11 town of Gray or any village corporation therein for said
12 purposes may raise money in the same manner as for other
13 municipal charges.

Sect. 12. 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; and the rates for water so
5 supplied shall be uniform within the territory supplied by
6 the district whenever the installation and maintenance of

7 mains and the cost of service is substantially uniform, but
8 nothing in this act shall preclude said district from estab-
9 lishing higher rates than the regular rates in sections where
10 for any reason the cost of construction and maintenance
11 or the cost of service exceeds the average, but such higher
12 rates shall be uniform throughout the sections where they
13 apply. Said rates shall be so established as to provide
14 revenue for the following purposes.

1. To pay the current expenses for operating and main-
2 taining the water system.

2. To provide for the payment of the interest on the in-
2 debtedness created or assumed by 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 creat-
3 ed or assumed by the district, which sum shall be turned into
4 a sinking fund and there kept to provide for the extinguish-
5 ment of such indebtedness. The money set aside for the
6 sinking fund shall be devoted to the retirement of the obli-
7 gations of the district or invested in such securities as sav-
8 ings banks are allowed to hold.

4. If any surplus remains at the end of the year, it may
2 be transferred to the sinking fund.

Sect. 13. All incidental rights, powers and privileges
2 necessary to the accomplishment of the main object herein
3 set forth are granted to the public municipal corporation
4 hereby created.

Sect. 14. This act shall not take effect unless accepted

2 and approved by a majority vote of the legal voters within
3 said water district voting at an election specially called and
4 held for the purpose by the selectmen of the town of Gray,
5 on the first Monday of May, nineteen hundred and twenty-
6 nine, as provided in section nine. Said selectmen shall be
7 in session the three secular days next preceding said special
8 election for the purpose of revising the lists as provided in
9 section nine hereof. The town clerk shall reduce the sub-
10 ject matter of this act to the following question: "Shall the
11 act to incorporate the Gray Water District be accepted?"
12 and the voters shall indicate by a cross placed against the
13 words "Yes" or "No" their opinion of the same. The result
14 shall be declared by the selectmen and due certificate thereof
15 filed by the town clerk with the secretary of state.

Sect. 15. In all elections hereunder the selectmen of the
2 town of Gray shall exclude from their lists and from all
3 check lists the legal voters who are resident outside the
4 territorial limits of said water district as defined in this act,
5 and all warrants issued for elections shall be varied accord-
6 ingly to show that only the voters resident within the terri-
7 torial limits of said water district are entitled to vote here-
8 under.

Sect. 16. Nothing herein contained is intended to repeal
2 or shall be construed as repealing the whole or any part of
3 any existing statute, and 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 all acts amendatory thereof or
7 additional thereto.

Sect. 17. In view of the emergency recited in the pre-
2 amble hereof, this act shall take effect when approved.