

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 838

S. P. 538

In Senate, March 10, 1931.

Reported by Senator Spear of Cumberland from Committee on Towns and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

New Draft of S. P. 243, L. D. 511.

STATE OF MAINE

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

AN ACT to Incorporate the Madawaska Village Corporation.

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

Section 1. The territory in the town of Madawaska embraced within the following limits, viz:

Beginning on the bank of the St. John River at the northwest corner of Treaty lot numbered one hundred forty; thence southwesterly on the dividing line of Treaty lots numbered one hundred thirty-nine and one hundred forty to the southwest corner of said lot one hundred forty; thence on the southwest line of said lot one hundred forty to the northwest corner of lot numbered one; thence southerly on the west line of lots numbered one, two, three, four, five, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-nine, as surveyed by Albert A. Burleigh in eighteen hundred seventy-eight, to the northwest corner of lot numbered seventy-nine in St. Agatha; thence on the present dividing line between the towns of Frenchville and Madawaska to the bank of the St. John River; thence down the river to the place of beginning, and the inhabitants within the same, hereby is created a body politic and corporate by the name of the Madawaska Village Corporation with all the rights and privileges granted by the laws of this state to similar corporations.

At any time after the effective date of this act any three legal voters residing within the territorial limits of said corporation may file a petition with the public utilities commission asking said commission to alter and change the boundary lines of the territory to be included in said corporation, so as to include therein a lesser area; and said commission, after such notice as it shall deem sufficient may hold a hearing at a convenient place in the town of Madawaska on such petition and may issue its order defining and prescribing the boundary lines of the territory to be included within said corporation; and after such order shall have been issued only the legal owners residing within such territorial limits so prescribed shall be entitled to vote on the acceptance of this charter and at subsequent meetings of the corporation, and only the property within such territorial limits as prescribed shall be subject to the provisions of this act.

Sec. 2. Said corporation hereby is vested with power, at any legal meeting called for the purpose, to raise, from time to time, such sums of money as may be sufficient for the following purposes—to construct, purchase or otherwise acquire, and to operate, repair and maintain, an adequate system for the supply and distribution of pure water for domestic, industrial, fire and other purposes; to construct, purchase or otherwise acquire, and to operate, repair and maintain, an adequate sewage system and other sanitary works; to create and maintain a fire department together with all of the necessary equipment, appliances and apparatus for the prevention and extinguishment of fires; to purchase or otherwise procure electric light for public use and for the use of the inhabitants within the territorial limits of the corporation and to construct, purchase or otherwise acquire facilities necessary in connection therewith. For any and all of the foregoing purposes the said corporation may contract with any person, firm or corporation to furnish any necessary facilities or services, and may acquire from any person, firm or corporation such existing rights, franchises and properties as may be necessary or convenient for the carrying out of the aforesaid purposes for which money may be raised by said corporation.

Sec. 3. The officers of the corporation shall consist of a clerk, a treasurer, three assessors and a fire warden; said officers shall hold office for one year from the date of their elec-

tion, or until their successors are chosen and qualify, and such officers shall have the same power and authority now had by similar officers chosen by towns. The treasurer shall furnish an adequate bond for the faithful performance of his duties, the amount of such bond to be determined, from time to time, by the assessors.

Sec. 4. Upon a certificate being filed with the assessors of said corporation, by the clerk thereof, of the amount of money raised at any meeting for any of the purposes aforesaid, it shall be the duty of said assessors forthwith to assess said amount upon the estates and polls of persons residing within the territorial limits of said corporation, and upon the estates of non-resident proprietors thereof, and the assessors shall certify and deliver the list of the various assessments to the treasurer of said corporation and it shall be the duty of said treasurer to collect the same in like manner as county and town taxes are by law collected by towns. Any monies raised by assessment shall be expended only for the specific purposes stated in the vote taken at the meeting authorizing such assessment. Property owned by said corporation shall not be subject to tax by the town of Madawaska, and the valuation, for tax purposes, by the town of Madawaska of the estates and properties within the territorial limits of said corporation shall not be increased by the assessors of the town of Madawaska by reason of the improvements made by said corporation to estates and properties within its territorial limits.

Sec. 5. Said corporation may acquire and hold such real and personal estate as may be necessary for the purposes aforesaid and it hereby is authorized to take and hold, by purchase or otherwise, any land or real estate, or any easement therein, or any water rights, necessary in connection with creating an adequate water supply system or an adequate sewage system, or for creating adequate facilities for the distribution of water and the discharging of sewage, including the laying and maintaining of pipes, conduits and mains for carrying and distributing water and for carrying, collecting, discharging and disposing of sewage.

Sec. 6. Said corporation may acquire, by purchase, the existing rights, franchises, privileges and properties of any corporation authorized to construct, maintain and operate a water

system or a sewage system in the territorial limits of said corporation; and said corporation hereby is authorized, for said purposes of constructing, maintaining and operating a water system or a sewage system, to lay in the streets, highways and lands of said town of Madawaska, and to take out, replace and repair, all such mains, conduits, pipes and fixtures as may be necessary therefor, and to carry and lay mains, conduits, pipes and similar fixtures under any water course, railroad or private way, provided it shall not interfere with or obstruct the use thereof. In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and condition of crossing within thirty days after such consent has been requested by such village corporation, the public utilities commission shall, upon petition setting forth a description of such premises and the reasons for said crossing and after such notice and hearing as the commission may prescribe, determine the place, manner and condition of said crossing and thereafter all work within the limits of said railroad shall be done under the supervision of the railroad company and to the satisfaction of the public utilities commission but at the expense of said village corporation.

Sec. 7. Said corporation, for the purposes of its incorporation, hereby is authorized to take and hold as for public uses, by purchase or otherwise, any land, or any interests therein, or any water rights, necessary for the carrying out of its corporate purposes. In exercising any right of eminent domain conferred upon it by this act, or otherwise conferred upon it by law, the procedure shall be the same as that provided in cases of exercise of eminent domain by railroad corporations. When for any reason the district fails to acquire the property authorized to be taken and which is described in its petition to the public utilities commission, or if the description in said petition is defective, it may at any time correct the defective description and file a new description thereof, in which case the corporation shall be liable for damages only for property for which the owner previously had not been paid, such damages to be assessed as of the time of the original taking. No entries shall be made on any private land, except to make surveys, until authority shall have been had from the public utilities commission, but upon such authority pos-

session may be had of all such lands, or interests therein, or water rights, so taken, but title thereto shall not be vested in said corporation until payment shall have been made therefor or shall have been deposited with the county commissioners for Aroostook county. If any persons sustaining damages by any taking as aforesaid fail to agree with the corporation upon the sum to be paid therefor, either party may file petition with the county commissioners of Aroostook county for the assessment of damages and may have damages assessed by said commissioners under the same procedure as is provided for in case of railroad corporations.

Sec. 8. For accomplishing its corporate purposes said corporation, if so authorized by a majority of those present and voting at a meeting called for such purpose, may, through its officers, borrow money and issue therefor bonds or other evidences of indebtedness executed by the corporation, and signed by its treasurer and by two of its assessors, in such a manner as shall be authorized at such meeting; said bonds or other evidences of indebtedness shall be certified by a trust company of the State of Maine and shall be legal obligations of said village corporation which hereby is declared to be a quasi-municipal corporation within the meaning of section one hundred sixteen of chapter fifty-six of the revised statutes and all of the provisions of said section shall be applicable thereto.

Sec. 9. The corporation shall have the right to establish just and reasonable rates for the distribution of water and for the use of any sewage system constructed or operated by it. Said rates shall be so established as to provide revenue with which to pay the current expenses of operating and maintaining the system or systems and to provide for such extensions and renewals as may become necessary and which are not to be financed with the issue of bonds, to provide for the payment of interest on indebtedness created by the corporation and to provide each year a sum equal to not less than one per centum and not more than five per centum of the entire indebtedness created by the corporation, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness; if any surplus remains at the end of any year it may be turned into the sinking fund or used for extensions or renewals. The money set aside for the sink-

ing fund shall be devoted to the retirement of obligations of the corporation or invested in such securities as savings banks are allowed to hold; provided however that the officers of the corporation, in their discretion and in lieu of establishing a sinking fund, may issue the bonds of the corporation so that not less than two per centum of the total amount of the bonds shall mature and be retired each year over a consecutive period of years beginning not more than two years after the date of issue of the bonds.

Sec. 10. Said corporation, at any legal meeting called for the purpose, may adopt such by-laws and provisions, not inconsistent with the laws of the state, as may be deemed necessary for the better government of the corporation and such by-laws shall be subject to alterations and additions at any legal meeting called for that purpose, provided the same shall be approved by a two-thirds vote of those present and voting at such meeting.

Sec. 11. All meetings, after the first meeting, shall be notified by warrant of the assessors and notice shall be posted at three different places within the territorial limits of the corporation at least seven days prior to the meeting, such notice to state time, place and purpose of the meeting; a meeting shall be called by the assessors at any time upon the petition of seven legal voters which petition shall state time, place and purpose of the meeting requested. The annual meeting for the election of officers shall be the second Saturday in July.

Sec. 12. This charter may be accepted at any time within two years after its passage. Fortuna W. Pelletier, a voter in the town of Madawaska, or either of them, may call all meetings of the inhabitants of said territory within the limits of the corporation previous to the acceptance of this charter by posting a notice, stating the time, place and object of such meeting, in at least three different places in said territory at least seven days before the time of holding said meeting; should they fail to call such meeting any three legal voters within the territorial limits of said corporation may call meetings in the same manner.

Sec. 13. At the first meeting of said corporation the legal voters shall vote by ballot on the question of the acceptance of this charter and if a majority of those present and voting shall vote in favor of its acceptance then said charter shall

take effect in all its parts and the corporation shall proceed to organize and choose its officers; if at such meeting the charter is not accepted other meetings may be called and the same procedure with respect to acceptance and organization may be followed.