

# MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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E I G H T Y - S I X T H    L E G I S L A T U R E

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**Legislative Document**

**No. 182**

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S. P. 59

In Senate, Dec. 15, 1933.

Reported by Mr. Page from Committee on Legal Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Blaisdell of Hancock.

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**STATE OF MAINE**

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

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**AN ACT to Incorporate the Sullivan Water District.**

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**Emergency preamble.** Whereas, world wide conditions have had an unusually depressing effect on the working men of the town of Sullivan and have resulted in the need of a great deal of relief from said town for the benefit of the working men and their families; and

Whereas, in view of that fact it is urgently necessary as a relief measure that work be commenced on the construction of the proposed water system as soon as possible; and

Whereas, in the judgment of the legislature these facts create an emergency under the provisions of section 16 of Article XXXI of the constitution 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:

**Sec. 1. The territorial limits and corporate name and purposes.** The town of Sullivan in the county of Hancock and the people and territory within the same shall be and hereby are constituted a public municipal corporation under the name of the Sullivan Water District for the purpose of supplying the inhabitants of said town with pure water for domestic, sanitary and municipal purposes.

**Sec. 2. Powers of said Sullivan Water District.** Said Sullivan Water District is hereby authorized for the purpose aforesaid to take, collect, store, flow, use, detain, distribute and convey to the town of Sullivan or any part thereof, water from Long Pond, in said Sullivan, and is also authorized to locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, standpipes, hydrants and other necessary structures therefor, provided, however, that said Sullivan Water District shall not at any time enter said Long Pond and take water therefrom at a lower level than the Long Pond Water Company may be taking water therefrom at the same time.

**Sec. 3. Rights of eminent domain conferred.** The said District for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase, eminent domain, or otherwise, any land therein that may be necessary for supplying water, laying and maintaining its pipe lines and for such other purposes as may be necessary for accomplishing the purposes of this act.

**Sec. 4. Authorized to lay mains, etc., through public ways and across private lands.** The said District is hereby authorized to lay in and through the streets, roads, ways and highways, in said District and across private lands therein and to maintain repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes. Whenever the said District shall lay any pipes or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

**Sec. 5. Taking over the property of the Sullivan Harbor Water Company.** The said District is hereby authorized to take and hold by purchase or otherwise the entire plant, property and franchises, rights and privileges, including all land, waters, water rights, machinery, fixtures, tools, apparatus and appliances owned by the Sullivan Harbor Water Company and used or capable of being used for the purpose of maintaining a public water supply together with all books and accounts now due or which may hereafter become due to the Sullivan Harbor Water Company for service rendered by said Company.

**Sec. 6. Procedure as to the exercise of right of eminent domain.** In exercising any rights of eminent domain that are herein conferred upon said District or any rights of eminent domain through or under the franchises of the Sullivan Harbor Water Company by it acquired, the District shall file for record in the registry of deeds in said county plans of the location of lands or interest therein to be taken with an appropriate des-

cription and the names of the owners thereof, if known. When for any reason the District fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may, at any time correct and perfect such location and file a new description thereof and in such case the District is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the District shall not be liable for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands except to make surveys until the expiration of 10 days from such filing whereon possession may be had of all such lands or interest therein so taken, but title thereto shall not vest in said District until paid for.

**Sec. 7. Adjustment of damages.** If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said District upon the sum to be paid therefor, either party, upon petition to the county commissioners of Hancock county may have said damages assessed by them; the procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

**Sec. 8. Liability for injuries.** Said District shall be liable to any person injured by any fault of said District or its agents, or any defects in the highway occasioned by the construction of the works of said District during said construction or after the same has been completed or while the same is undergoing repairs or extensions are being made; and the said District shall also be liable to the town of Sullivan, for any and all costs, damages, and expenses which said town may suffer or be put to by reason of the default, neglect, negligence or carelessness of said District or any of its officers, servants or agents in constructing, maintaining or repairing said system.

**Sec. 9. Authorized to borrow money, issue notes, etc.** For accomplishing the purposes of this act said Water District, through its trustees, is hereby authorized to borrow money and issue therefor the interest bearing negotiable notes and/or bonds of said Water District and for the purpose of refunding or paying said indebtedness, may from time to time issue its negotiable notes and/or bonds of said District to an amount necessary in the judgment of said trustees therefor. Said notes and/or bonds shall be legal obligations of said District, the people and territory within the same. The bonds of said District shall be a legal investment for the savings banks of the state, and shall be exempt from taxation.

**Sec. 10. Trustees to issue warrant for current expenses and sinking fund.** When the said water system shall have been completed, the said trustees shall estimate what the annual revenue of said District will be and what amount will be necessary to assess annually on the real and personal property within said Water District, which, when added to the anticipated current revenues of said Water District will equal the current expenses, the interest on the obligations of said Water District, and provide an annual sinking fund of not less than 4% of the outstanding notes and/or bonds. The trustees of said District before the first day of April, after the completion of said Water System, shall issue their warrant in the same form as the warrant of the state treasurer for state taxes, with proper changes, to the assessors of the town of Sullivan requiring them to assess such sum as shall be specified in said warrant on all the real and personal estate taxable in said town and to commit their assessment to the constable or collector of the town of Sullivan who shall have all the authority and powers to collect said tax as is vested by law in him, to collect state, county and municipal taxes. On or before the 31st day of December of the year of which said tax is so levied, the treasurer of said town shall pay the amount so assessed and collected to the treasurer of the Water District. In case of failure on the part of the treasurer of said town to pay in said sum or any part thereof, on or before the 31st day of December in the year in which said tax is so levied the treasurer of said Water District may issue his warrant for the amount of said tax or so much thereof as shall remain unpaid, directed to the sheriff of the county of Hancock, requiring him to levy it by distress and sale on real and personal property of any of the inhabitants of said District, and the sheriff or either of his deputies shall execute such warrant. Except as otherwise provided herein the same authority as is vested in county officers for the collection of county taxes as provided by law is hereby vested in the trustees of said Water District in relation to the collection of taxes within said District.

**Sec. 11. The management of affairs; trustees, how chosen; other officers; vacancies, how filled.** All the affairs of said Water District shall be managed by a board of 3 trustees who shall first be appointed by the selectmen of the town of Sullivan to serve until the next annual town meeting. At the next annual town meeting the town shall choose 3 trustees, said trustees shall choose a treasurer, clerk and such other officers and agents as they may deem necessary for the proper management of the affairs of the District and may establish a code of by-laws and all rules and regulations for the conduct of the affairs of said District. Whenever a vacancy shall for any reason occur in the board of trustees the same shall be filled at the next annual town meeting of said town of Sullivan. A

majority of the trustees chosen shall have full power to act and bind the said Water District.

**Sec. 12. Trustees may establish rates.** The trustees are hereby authorized to establish all water rates and all individuals, firms and corporations whether private or public or municipal shall pay to the treasurer of said District the rates established by its trustees for water used by them or services rendered to them and the rates shall be uniform within this territory supplied by the District.

**Sec. 13. Incidental powers, rights and privileges granted.** All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted the public municipal corporation hereby created.

**Emergency clause.** In view of the emergency cited in the preamble hereof, this act shall take effect when approved.