

MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 1587, L. D. 1240

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

Legislative Document

No. 1373

H. P. 1669

House of Representatives, April 4, 1947.

Reported by Mr. DeSanctis from Committee on Public Utilities and laid on the table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Creating the Bridgton Utilities District.

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

Sec. 1. Territorial limits and corporate name and purposes. The inhabitants and territory within the town of Bridgton in the county of Cumberland shall be, and hereby are, constituted a body politic and corporate under the name of the Bridgton Utilities District for the purpose of supplying the town of Bridgton and the inhabitants of said town or any part of said town with pure water for domestic, commercial, sanitary and municipal purposes, including the extinguishment of fires, and of supplying the town of Bridgton and the inhabitants of said town or any part of said town with suitable and adequate sewerage facilities.

Sec. 2. Powers of said Bridgton Utilities District. Said district is hereby authorized for the purposes aforesaid to take, collect, store, flow, use, detain, distribute and convey to the town of Bridgton or any part thereof water from any lake, pond or stream and from any surface or underground brook, spring or vein of water in said town of Bridgton, and is also authorized to locate, construct and maintain dams, cribs, reser-

voirs, locks, gates, sluices, aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and to do any and all things necessary in providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 3. Right 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, and land or interest therein, or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, for taking, distributing, discharging and disposing of water and for rights of way or roadways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts, structures and lands. The said district may, for the purposes outlined in this section, do any and all things necessary in providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Provided, however nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or required for future use by the owner thereof in the performance of a public duty, unless expressly authorized herein or by subsequent act of the legislature.

Sec. 4. Authorized to lay mains, pipes, conduits, 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 of the town of Bridgton and across private lands therein, and to maintain, repair and replace all such pipes, mains, conduits, aqueducts, and fixtures as may be necessary and convenient for its corporate purposes, and whenever 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. Procedure as to the exercise of right of eminent domain and crossing public utility. In exercising any rights of eminent domain that are herein conferred upon said district, the district shall file for record in the registry of deeds in said county plans of the location of lands or in-

terest therein to be taken with an appropriate description 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.

In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to the place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

Sec. 6. 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 Cumberland 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. 7. Authorized to acquire certain property and franchises of Central Maine Power Company. Said district is hereby authorized and empowered to acquire by purchase, which right is hereby expressly delegated to said district, all of the plant, property, rights and franchises of the Central Maine Power Company used or usable in supplying water in the town of Bridgton, including all lands, waters, water rights, riparian and flowage rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants, tools, and all apparatus and appliances connected therewith, except its cash assets and accounts receivable; subject, however, to the prior right of Central Maine Power Company to use such of the waters, water rights, riparian and flowage rights and dam structures as are used or usable by Central

Maine Power Company in connection with the generation of electric energy. Said Central Maine Power Company is hereby authorized to sell, transfer and convey its franchises and properties, so far as they relate to the supplying of water, to said district. All said franchises and properties shall be sold free from all bonds, mortgages, liens and encumbrances thereon.

Sec. 8. Present contracts to be carried out by Bridgton Utilities District. If the district shall purchase Central Maine Power Company's water properties in the town of Bridgton, as provided in section 7, all valid contracts now existing between said Central Maine Power Company and any person, corporation or municipal corporation for supplying water in said town of Bridgton shall be assumed and carried out by said district.

Sec. 9. Saving clause. If said district shall fail to purchase Central Maine Power Company's water properties in said town of Bridgton, as provided in section 7, the remaining provisions of this act shall not be affected thereby.

Sec. 10. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investments for saving banks. For accomplishing the purposes of this act, said district through its trustees, is authorized to borrow money temporarily, and to issue therefor the interest bearing negotiable notes of the district, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, of securing sources of supply, taking water and land, paying damage, laying pipes, constructing, maintaining and operating a waterplant and sewerage and drainage system and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding \$200,000. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be exempt from taxation.

Sec. 11. Board of trustees. All the affairs of said district shall be managed by a board of trustees composed of 3 members, to be appointed by the municipal officers of Bridgton, within 30 days after the acceptance of this act by the inhabitants of said district as hereinafter provided, but none of the selectmen of said town shall be appointed to the board of

trustees. As soon as convenient after the members of said board have been appointed, said trustees shall hold a meeting in the town of Bridgton, and organize by the election of a president and clerk, adopt a corporate seal, and choose a treasurer and, when necessary, all other needful officers and agents who, with the treasurer, shall serve at their pleasure and whose compensation shall be fixed by said trustees. Whenever a vacancy occurs in the office of president, clerk or treasurer it shall be promptly filled by said board of trustees. At the said 1st meeting they may determine by agreement, or failing to agree they shall determine by lot the term of office of each trustee so that 1 shall retire each year and the term of office of the 1st trustee to expire shall end at the end of the municipal year of the town of Bridgton following the acceptance of this act, and thereafter the term of office of a trustee shall expire with the end of each municipal year, and whenever the term of office of a trustee expires, the body which appointed said trustee shall appoint a successor to serve the full term of 3 years, and in case any other vacancy arises from any cause it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said town of Bridgton he vacates the office of trustee. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. Said trustees may procure an office and incur such expense as may be necessary. The treasurer shall furnish bond in such sum and with such sureties as they may approve. Members of the board shall be eligible to any office under the board.

Sec. 12. Property, tax exempt. The property of said district shall be exempt from all taxation in the town of Bridgton.

Sec. 13. Execution of instruments. Any and all instruments to be executed by the district may, upon authorization by the board of trustees, be executed in its behalf by its president and treasurer who may impress its corporate seal and make any necessary acknowledgment thereof, except that upon interest coupons attached to any bonds to be issued the facsimile signature of the treasurer shall be sufficient.

Sec. 14. Water rates; application of revenue; sinking fund. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the service used by them, and said rates shall be uniform within the territory supplied by the district and subject to approval of the public utilities commission. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the water and sewer system.
2. To provide for the payment of the interest on the indebtedness created by the district.
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.
4. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 15. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation thereby created.

Sec. 16. Local referendum for town of Bridgton; meeting, how called; form of ballot; certificate to secretary of state. This act shall take effect when approved by a majority of the legal voters of said proposed district present and voting for or against the acceptance of the district as hereinafter provided for in this section at an election specially called and held for the purpose, by the municipal officers of the town of Bridgton, to be held at the voting places in the town, the date of holding said election to be determined by said municipal officers. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration in said town of Bridgton shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act creating the Bridgton Utilities District be accepted?" and the voters shall indicate by a cross placed against the words "Yes" or "No" their

opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed with the secretary of state by the clerk of said town.

Sec. 17. Act effective 90 days after adjournment of legislature for purposes of local referendum. This act shall take effect in 90 days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the special election authorized in section 16.

Sec. 18. Existing statutes not affected, rights conferred subject to provisions of law. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes, and all acts amendatory thereof or additional thereto.