

MAINE STATE LEGISLATURE

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

Legislative Document

No. 322

H. P. 549

House of Representatives, January 31, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Macomber of Jay.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Incorporate the North Jay Water District.

Preamble. By the provisions of chapter 142 of the private and special laws of 1947, entitled "An Act to Incorporate the North Jay Water District," said district was created; and

Whereas, said act was not accepted by the voters of said district in accordance with the provisions of section 12 of said act; and

Whereas, said district, unaware of the invalidity of its acceptance of said act, acquired certain property, entered into certain obligations and made certain installations for the purpose of supplying the inhabitants of said district with pure water, and

Whereas, it is desired to recreate and reincorporate said district; now, therefore,

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

Sec. 1. Territorial limits; name; purposes; plans of system to be submitted to public utilities commission for approval. That part of the town of Jay within the area hereinafter described, and the inhabitants within that area, are hereby created a body politic and corporate by the name of "North Jay Water District" for the purpose of supplying the inhabitants

of said district with pure water for domestic, sanitary, agricultural, industrial and municipal purposes.

The area within the district is to be comprised of that part of the town of Jay bounded and described as follows: Beginning at the point where the west bank of the Seven Mile brook, so called, intersects with the Jay-Dixfield town line, not far from the Loring Wood place; thence in a straight line and in a southeasterly direction to the intersection of the Morse Hill road and the Davenport Hill road; thence continuing in the same general direction to a point 500 feet due west from a culvert on U. S. Highway No. 4 near the foot of the North slope of Jay Hill, so called; thence in an easterly direction to a point 1,000 feet due east of the intersection of the Maine Central Railroad track and the old Jay Hill county road, so called; thence in a northeasterly direction to a point on the Canada Corner road, so called, 1,000 feet east of the intersection of the Canada Corner road and the Stone's Corner road near the place of Clement Mayo on Macomber Hill; thence in a northerly direction to the Jay-Wilton town line at a point 500 feet east of U. S. Highway No. 4; thence in a westerly direction along the Jay-Wilton town line to the Jay-Dixfield town line; thence in a southwesterly direction along the Jay-Dixfield town line to the point of beginning.

Provided, however, that it shall not construct any system of pipe lines or development, without first having submitted its plans to the public utilities commission and obtained its advice therefor in writing, under power vested in said commission by section 13 of chapter 40 of the revised statutes of 1944.

Sec. 2. Powers of said North Jay Water District; source of supply. The said district, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any surface or underground lake, pond, river, stream, brook, spring or vein of water in the town of Jay.

Sec. 3. Right of eminent domain conferred; authorized to lay pipes over public ways; authorized to erect reservoirs. The said district for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase or otherwise, including by right of eminent domain, any lands or interests 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 watershed, 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, dams, standpipes, wells, power stations, reservoirs, mains, aqueducts, structures and lands.

The said district is hereby authorized to lay water pipes, aqueducts and fixtures as may be necessary and convenient for its purposes in and through the streets, ways and highways of the said district and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures, 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 to public travel as practicable, and shall, at its own expense and without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

The said district is hereby authorized for the purposes of its incorporation to erect and maintain reservoirs, wells, standpipes and other structures necessary and convenient for its corporate purposes.

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 acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature.

Sec. 4. Procedure in crossing public utility rights of way. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such 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. 5. Board of trustees; election. Within 60 days after the acceptance of this act by the inhabitants of said town of Jay residing within said district and who are bona fide voters in said town, the selectmen of Jay shall call a meeting of the inhabitants of said district, which meeting shall be called, advertised and conducted according to the law relating to municipal elections. Said meeting shall organize by the election of a moderator and then shall elect 3 trustees. All inhabitants of said district who are bona fide voters in said town of Jay shall be entitled to vote in said meeting and in subsequent district meetings. The selectmen of Jay shall prepare a check list of the inhabitants of said district entitled to

vote in said meetings. Said trustees elected at said 1st district meeting shall determine by lot the term of office of each trustee, so that one shall serve until the day of the next annual district meeting, one until the 2nd annual district meeting and one until the 3rd annual district meeting. On the same day of the annual town meeting of inhabitants of said Jay in each year thereafter, there shall be held the annual meeting of the inhabitants of the water district. At each annual meeting of said district the voters therein shall elect 1 trustee to hold office for a term of 3 years. Said meeting shall also determine the compensation to be given said trustees for their services and shall make recommendations to the trustees as to the manner in which the affairs of the district are to be handled. Each trustee shall hold office until his successor is elected and signifies his acceptance of his office. No oath of office shall be required of said trustees. In case of the resignation, removal of his principal place of abode from said district or inability of a trustee to serve, the selectmen of said town of Jay shall declare a vacancy in the office of said trustee and they shall immediately thereafter select a new trustee to serve until the next annual meeting of said district, at which time a trustee shall be elected to serve the balance of the term of office of the said trustee. No member of the board of selectmen of said town of Jay shall be a trustee of the water district.

Sec. 6. Board of trustees; powers and duties. All the affairs of the said district shall be managed by said board of trustees. As soon as convenient after the members of said board have been elected, said trustees shall meet and organize by the election of a chairman and a clerk, adopt a corporate seal and choose a treasurer who shall handle the funds of said district, and such other employees as they deem necessary and proper. Said treasurer shall be bonded in an amount considered proper by said trustees and the cost of said bond shall be borne by the district. All trustees shall be eligible for reelection. The said treasurer and other employees shall hold offices during the pleasure of the trustees. They may also ordain and establish such by-laws, not inconsistent with the laws of the state, as are necessary for their convenience and the proper management of the affairs of said district. Said trustees may have the use of the municipal offices of the town of Jay for the transaction of their business. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical condition, and of such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust. Such reports shall be made and filed with the board of selectmen of the town of Jay on or before March 1st of each year.

Sec. 7. District and town authorized to make contracts. Said district through its trustees, is authorized to contract with persons and corporations including the town of Jay for supply of water, and said town of Jay is authorized to contract with it for the supply of water for municipal purposes.

Sec. 8. District authorized to acquire assets. Said district is hereby authorized to acquire and take over all assets, property, franchises, rights, permits and privileges heretofore acquired and held by the district incorporated under said chapter 142 of the private and special laws of 1947 and to assume and agree to pay all outstanding obligations heretofore incurred by said former district for the purposes for which it was incorporated and all valid contracts entered into by said former district with any person or corporation incident to said purposes, which said obligations and contracts, if assumed, shall be carried out and performed by said district. If and when so acquired said district, in addition to the powers conferred by this act, shall have and enjoy and be entitled to exercise all the rights, permits, privileges and franchises of said former district and may do and perform any and all the acts and things authorized to be done and performed by said former district under its charter in so far as they are not inconsistent with this act.

Sec. 9. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks. For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money from time to time, not exceeding \$100,000 and to issue therefor the interest-bearing negotiable notes or bonds of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness, to establish a fund therefor, and for the purpose of obtaining or providing money to pay or to meet any necessary expenses and liabilities incurred or assumed under the provisions of this act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant 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 necessary in the judgment of the trustees therefor, maturing at 1 time or in uniform or varying installments, with or without call provisions and at such rates of interest and on such terms and conditions as the trustees shall determine. 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 sections 132 and 133 of chapter 49 of the revised statutes of 1944. The said notes and bonds shall be legal investments for savings banks.

Sec. 10. Property tax exempt. The property of said district shall be exempt from all taxation by the town of Jay.

Sec. 11. Water rates; 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 water used by them, and said rates shall be uniform within the territory supplied by the district and subject to the approval of the public utilities commission. Said rates shall be so established as to provide revenue for the following purposes:

I. To pay current expenses for operating and maintaining the water system.

II. To provide for the payment of the interest on the indebtedness created by the district.

III. 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 no less than 1% of the amount of the bonds so issued shall mature and be retired each year.

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

Sec. 12. Incidental rights and powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 13. 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 of 1944, and all acts amendatory thereof or additional thereto.

Sec. 14. Referendum; effective date; certificate to secretary of state.

This act shall take effect 90 days after adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district at a special election to be called by the municipal officers of the town of Jay and to be held at the regular voting place in said town; the date of said election to be determined by the said municipal officers, but the 1st such meeting shall not be later than the 1st day of July, 1952.

Said municipal officers shall prepare and furnish separate check lists for such of the voters within said district as are then legal voters of said town and reside in said district, and all notices, warrants or other proceedings shall be varied accordingly so as to show that only such voters as reside in said district as aforesaid are entitled to vote upon the question. Such special elections shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the municipal officers shall not be required to prepare nor the town clerk to post a new list of voters; and for this purpose said municipal officers shall be in session on the 3 secular days next preceding said election, the 1st and 2nd days thereof to be devoted to registration of voters and the last day to enable said officers to verify the correction of said lists and to complete and close up its records of said session.

The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the North Jay Water District be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total number of names on the check list of voters of said district used at said election; but failure of approval by the necessary percentage of voters shall not prevent subsequent elections. The result in said district shall be declared by the municipal officers of the town of Jay and due certificate filed by the town clerk with the secretary of state.