

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

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. 446**

H. P. 757

House of Representatives, February 2, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Carville of Eustis.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

---

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

---

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

**Sec. 1. Territorial limits; corporate name; purposes.** All of the territory of the town of Kingfield, in the county of Franklin, and the inhabitants within the said town are hereby created a body politic and corporate by the name of the Kingfield Water District for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, commercial and municipal purposes. 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. Source of supply.** The said district for effecting and carrying out the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any stream or underground vein of water in said town of Kingfield.

**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 the exercise of eminent domain, any land or interests therein or water rights necessary for erecting and maintaining dams, wells and standpipes, for flowage, for power for pumping its water supply through its standpipes and mains, for reservoirs, for preserving aqueducts and other structures, for taking, distributing and discharging and disposing of water, for rights of way or roadways to its source of supply, dams, standpipes, reservoirs, wells, mains, aqueducts, structures and lands, and for disposal of sewage.

The said district is hereby authorized to lay water pipes, sewage 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, sewers 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 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 purpose 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, or as provided in section 10 hereof.

**Sec. 4. Procedure in exercising right of eminent domain.** The said district, in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of any water company by it acquired shall file written application with the public utilities commission requesting its approval of the proposed taking. Such application shall describe the property or rights to be taken, the purpose of the taking and shall name all parties who may be interested therein; the commission thereupon shall appoint a time for a hearing near the premises, and shall require such notice as the commission may direct to be given to the persons interested, at least 14 days before the date of the hearing; the commission shall then view the premises, hear the parties, and shall determine how much, if any, of the property described in the petition should be taken for the reasonable purposes of the water district and for its safe, economical and efficient furnishing of an adequate water supply; and in authorizing

any taking the commission may attach such reasonable terms, limitations and restrictions as justice may require. If the commission shall find that any of the property described in the application is necessary for the aforesaid purposes of the district, it shall make a certificate containing a definite description of the property to be taken, and of any terms, restrictions and limitations in connection therewith and shall furnish to the district a true copy thereof, attested by the clerk of the commission, and when such copy of the certificate is filed with the clerk of courts in the county where the property lies, the property shall be deemed and treated as taken; provided, however, that when the property is held by a tenant for life and the reversion is contingent as to the persons in whom it may vest at the termination of the life estate such fact shall be stated in the application and the commission, in addition to the notice to the tenant for life, shall require notice by publication, in such manner as it may deem proper, to all others interested. Entry may be made on private land prior to the filing of any such application for the purpose of making surveys, the district being responsible for any damage resulting from such entry, and possession may be had of the property described in the certificate of the commission forthwith upon the filing and recording of the certificate as hereinbefore provided, but title to such property shall not vest in the district until payment therefor has been made.

If any person does not agree with said district upon the sum to be paid as damages for the taking authorized by said commission, either party and as a part of the same procedure may have said damages assessed by said commission; the procedure and all subsequent proceedings and rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of appeals from awards by county commissioners on damages by the laying out of highways.

**Sec. 5. 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 crossings; 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. Board of trustees; election.** Within 60 days of the time said district is accepted by the inhabitants of said town of Kingfield, the selectmen of Kingfield shall call a meeting of the inhabitants of said district in the same manner in which a town meeting is called. Said meeting shall or-

ganize by the election of a moderator and then shall elect 3 trustees by the Australian ballot as provided for in sections 46 to 60, inclusive, of chapter 80 of the revised statutes of 1944. All inhabitants of said district who are bona fide voters in said town of Kingfield shall be entitled to vote in said meeting and in subsequent district meetings. The selectmen of Kingfield 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 1 shall serve until the day of the next annual district meeting, 1 until the 2nd annual district meeting and 1 until the 3rd annual district meeting. On the same day of the annual town meeting of inhabitants of said Kingfield in each year, 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, which shall not exceed \$50 each per year, 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 Kingfield 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 Kingfield shall be a trustee of the water district.

**Sec. 7. 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 manager, who shall handle the funds of said district, and such other employees as they deem necessary and proper. Said manager 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 manager and other employees shall hold office during the pleasure of the trustees. They may also ordain and establish such bylaws, 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 Kingfield 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 report shall be made and filed with the board of selectmen of the town of Kingfield on or before March 1st of each year.

**Sec. 8. District and town authorized to make contracts.** Said district through its trustees is authorized to contract with persons and corporations, including the town of Kingfield, for supply of water and said town of Kingfield is authorized to contract with it for the supply of water for municipal purposes.

**Sec. 9. Authorized to acquire property and franchises of Kingfield Water Company.** Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Kingfield Water Company, situated in the town of Kingfield, including all lands, waters, water rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the town of Kingfield.

**Sec. 10. Procedure in case trustees and water company fail to agree on terms of purchase.** In case said trustees fail to agree with said Kingfield Water Company upon the terms of purchase of said property, on or before January 1, 1952, said district, through its trustees aforesaid, is hereby authorized to take said plant, property and franchises for public use in the manner described in section 4 hereof.

**Sec. 11. All valid contracts to be assumed.** In the event that the district acquires the present Kingfield Water Company, all valid contracts then existing between the Kingfield Water Company and any persons or corporation for supplying water in the town of Kingfield shall be assumed and carried out by said Kingfield Water District.

**Sec. 12. Authority to borrow money.** For accomplishing the purposes of this act, said water district, through its trustees, without the necessity of a vote of the inhabitants of said district, is authorized to borrow money for long terms and temporarily, and to issue therefor the interest-bearing negotiable bonds and notes of the district for the purpose of refunding the indebtedness so created; of paying any necessary expenses and liabilities incurred under the provisions of the act, including the expenses incurred

in the creation of the district; in acquiring the aforesaid properties and franchises of the Kingfield Water Company, by purchase or otherwise; of securing sources of supply; taking water and land; paying damages; laying pipes; constructing, maintaining and operating a water system and making extensions, additions and improvements to the same. Said notes and bonds shall be legal obligations of said water 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, and all provisions of said sections shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

**Sec. 13. Property tax exempt.** The property of said district shall be exempt from all taxation in the town of Kingfield.

**Sec. 14. 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 approval of the public utilities commission, and the present rates of the Kingfield Water Company shall be in force until new rates are established as aforesaid. 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. All remaining income shall be used for the extinguishment of said indebtedness so long as there are any outstanding notes or bonds.
- IV. If any surplus remains at the end of the year, it may be turned into a sinking fund and used later for the foregoing purposes.

**Sec. 15. 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. 16. Act void unless property of water company is acquired.** If said water district shall not have in operation or in the process of construction a water system or have purchased the properties of the Kingfield Water Company within 2 years of the date of acceptance of this act by the inhabitants of the town of Kingfield as provided in section 18, then this act shall become null and void.

**Sec. 17. 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 rights and duties herein mentioned shall be exercised and performed in accordance with all applicable provisions of chapter 40 of the revised statutes of 1944, and all acts amendatory or additional thereto.

**Sec. 18. Referendum; effective date.** This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the town of Kingfield at either a regular annual town meeting or at a special town meeting to be called and held for the purpose prior to January 1, 1952. Such special election shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the board of registration in said town of Kingfield shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purpose of registration of voters, said board shall be in session 1 hour preceding such election. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Kingfield 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 hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 25% of the total vote for all candidates for governor in said town at the next previous gubernatorial election. Failure of approval by the necessary percentage shall not prevent further elections within said period. The result in said district shall be declared by the municipal officers of the town of Kingfield and due certificate thereof filed by the town clerk with the secretary of state.