

MAINE STATE LEGISLATURE

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

Legislative Document

No. 201

H. P. 190

House of Representatives, January 28, 1953

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Whitney of Bridgton by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

**AN ACT Establishing a Water Department of the Bridgton Centre
Village Corporation.**

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

Sec. 1. P. & S. L., 1927, c. 70, § § 10 - 24, additional. Chapter 70 of the private and special laws of 1927, as amended, is hereby further amended by adding thereto 15 new sections, to be numbered 10 to 24, inclusive, to read as follows:

‘Sec. 10. Water department authorized. Said corporation is also authorized to own, control, operate and manage a water works as the same is defined in subsection XXI of section 15 of chapter 40 of the revised statutes of 1944, 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, by a department to be known by and designated as its water department.

Sec. 11. Source of supply. Said corporation is hereby authorized for the purposes aforesaid to take, collect, store, flow, use, detain, distribute and convey to or within 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, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor.

Sec. 12. Eminent domain. Said corporation is hereby authorized to take and hold, as for public uses, by purchase, eminent domain, or otherwise, any land or interest therein, or water rights necessary for erecting and maintaining dams, for flowage, 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, its dams, reservoirs, mains, aqueducts, structures and lands.

Provided, however, nothing herein contained shall be construed as authorizing said corporation to take by right of eminent domain any of the property or facilities of any 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. 13. Laying pipes, etc. Said corporation 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 authorized purposes, and whenever said corporation 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. 14. Procedure in eminent domain; crossing public utility. In exercising any rights of eminent domain that are herein conferred upon said corporation, the corporation 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 description and the names of the owners thereof, if known. When for any reason the corporation 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 corporation 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 corporation 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 corporation 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 corporation, 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 corporation.

Sec. 15. Damages, how assessed. If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said corporation 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. 16. Authorized to acquire property and franchises of Central Maine Power Company. Said corporation is hereby authorized and empowered to acquire by purchase, which right is hereby expressly delegated to said corporation, 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 corporation. All said franchises and properties shall be sold free from all bonds, mortgages, liens and encumbrances thereon.

Sec. 17. Contracts to be assumed. If the corporation shall purchase Central Maine Power Company's water properties in the town of Bridgton,

as provided in section 16, 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 corporation.

Sec. 18. Authority to borrow money. For accomplishing the purposes of this act, said corporation through its trustees, is authorized to borrow money temporarily, and to issue therefor the interest bearing negotiable notes of the corporation, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of sections 10 to 24, inclusive, including the expenses incurred in the creation of the department, of securing sources of supply, taking water and land, paying damage, laying pipes, constructing, maintaining and operating a waterplant and making extensions, additions and improvements to the same, the said corporation, through its trustees, may from time to time issue bonds of the corporation, maturing serially or otherwise, to such an amount as may be approved by the public utilities commission. Said notes and bonds shall be legal obligations of said corporation, 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 and shall be legal investments for savings banks.

Sec. 19. Board of trustees. All the affairs of said corporation pertaining to said water department shall be managed by a board of trustees composed of 3 members, who shall be residents of the territory comprising said corporation, to be appointed by the assessors of said corporation, within 30 days from the effective date of this act, and to hold office until the next annual meeting of the corporation, but none of the assessors of the corporation shall be so appointed. 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, 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, secretary or treasurer it shall promptly be filled by the board of trustees. At the first annual meeting of the inhabitants of the corporation after the effective date of this act, the voters of said corporation shall elect said board of trustees, 1 to serve until the next annual meeting thereafter, 1 until the second and 1 until the third such meeting. Thereafter 1 member shall be elected at each annual meeting of the corporation to serve

for a term of 3 years. When any trustee ceases to be a resident of the territory comprising said corporation or becomes incapacitated, dies or resigns, his office becomes vacated and said office shall be filled for the remaining term thereof by appointment by said assessors. The trustees may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of said water department. 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. All books and accounts pertaining to said water department shall be kept by or under the direction of said board of trustees, who shall report the financial condition of the water department and the doings of the board at each annual meeting of the corporation.

Sec. 20. Exempt from taxation. The property of said corporation shall be exempt from all taxation in the town of Bridgton.

Sec. 21. Signatures required. Any and all instruments to be executed by the corporation pertaining to said water department 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 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. 22. Water rates; application of revenue; sinking fund. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said corporation 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 corporation 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 system.
2. To provide for the payment of the interest on the indebtedness created by the corporation.
3. To provide each year a sum equal to not less than 1% nor more than 5% 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. The money set aside for the sinking fund shall be devoted to the retirement of the obligation of the cor-

poration 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 corporation so that not less than 1% of the amount 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. 23. **Incidental powers.** All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are hereby granted.

Sec. 24. **Existing statutes not affected; rights conferred subject to existing provisions of law.** Nothing contained in sections 10 to 23, inclusive, 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 mentioned in said sections 10 to 23, inclusive, 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.'

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 Bridgton Centre Village Corporation at the next regular or special meeting of said corporation held within 1 year after the effective date of this act, provided the warrant calling such meeting contains an appropriate article for that purpose. Such meeting shall be called, advertised and conducted according to the law governing municipal elections. The clerk of the Bridgton Centre Village Corporation shall prepare the proper ballots upon which the subject matter of this act shall be reduced to the following question: "Shall An Act Establishing a Water Department of the Bridgton Centre Village Corporation, passed by the 96th legislature, be accepted?" and the voters of said corporation shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result of said vote shall be declared by the assessors of said corporation, and a certificate of the result of the vote shall be filed by the clerk of said corporation with the secretary of state within 90 days after the determination of the vote. 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 at said meeting equals or exceeds 25% of the members of said corporation.