

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 441**

H. P. 324

House of Representatives, February 5, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Haughn of Bridgton.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**AN ACT to Repeal Incorporation of Bridgton Centre Village Corporation and  
Incorporating Bridgton Water District.**

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**Emergency preamble.** Whereas, the water supply of the town of Bridgton is inadequate for the needs of the inhabitants; and

Whereas, conditions are likely to be injurious to the health and prosperity of the inhabitants; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve these conditions; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning 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. P. & S. L., 1854, c. 201 and P. & S. L., 1927, c. 70, repealed.** Chapter 201 of the private and special laws of 1854 and chapter 70 of the private and special laws of 1927, creating and perpetuating the Bridgton Centre Village Corporation, and all acts additional thereto and amendatory thereof, are hereby repealed; provided, however, that the corporate existence, powers, duties and liabilities of said corporation and of all its departments shall survive for the purpose of prosecuting and defending all pending suits and all needful process growing out of the same, including provisions for the payment of any debts of or judgments which may be rendered against said corporation or exist in favor of any creditor.

**Sec. 2. Property, assets, etc., except water department, to become property of town.** Immediately after this act becomes fully effective, all the assets, property, real and personal, records, and the various departments, except the assets, property real and personal, and records of the water department of Bridgton Centre Village Corporation, as it existed prior to the fully effective date of this act, shall become the property of, and title thereto shall be vested in, the Town of Bridgton, and said town shall automatically assume and carry on all the functions of Bridgton Centre Village Corporation and of all its departments, except its water department, and shall assume all the liabilities and obligations outstanding against said corporation and its departments, except its water department; and said town is hereby authorized and empowered to raise funds by loan, or taxation, or both, from time to time as found necessary to carry on said functions and defray the indebtedness thereof, if any, and all valid contracts, except contracts of the water department of said Bridgton Centre Village Corporation, and any and all bond issues and indebtedness of said Bridgton Centre Village Corporation, except bond issues and indebtedness of the water department of said Bridgton Centre Village Corporation, as may have existed prior to the fully effective date of this act, shall be assumed, executed and carried out according to the terms thereof by the Town of Bridgton.

**Sec. 3. Property, assets, etc. of Water Department to become property of Bridgton Water District.** Immediately after this act becomes fully effective, all the assets, property, real and personal, and records of the Water Department of Bridgton Centre Village Corporation, as said Department existed prior to the fully effective date of this act, shall become the property of, and title thereto shall be vested in, the Bridgton Water District, hereinafter created, and said District shall automatically assume and carry on all the functions of Bridgton Water Department, and shall assume all liabilities and obligations outstanding against the Water Department of the Bridgton Centre Village Corporation, and all valid contracts and any and all bond issues and indebtedness of the Water Department of Bridgton Centre Village Corporation, as may have existed prior to the fully effective date of the act, shall be assumed, executed and carried out according to the terms thereof by the Bridgton Water District.

**Sec. 4. Incorporating Bridgton Water District; purposes.** The inhabitants and territory within the town of Bridgton shall be and hereby are constituted a body politic and corporate by the name of Bridgton Water District, for the purpose of owning, operating and managing a water works as the same is defined in subsection XXVII of section 16 of chapter 44 of the Revised Statutes of 1954, and 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.

**Sec. 5. Source of supply.** Said district 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, stand-pipes, hydrants, pumping stations and other necessary structure and equipment therefor.

**Sec. 6. Eminent domain.** Said district 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 district 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. 7. Laying pipes, etc.** 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 authorized 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. 8. Procedure in eminent domain; crossing public utility.** In exercising any right of eminent domain that is 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 interest 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, wherein 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. 9. Damages, how assessed.** 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. 10. Authority to borrow money.** For accomplishing the purposes of this act, said Bridgton Water 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 sections 1 to 15, inclusive, 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 making extensions, additions and improvements to the same. The said district, through its trustees, may from time to time issue bonds of the district, maturing serially or otherwise, with or without provisions for calling the same for payment before maturity, to such an amount as may be approved by the Public Utilities Commission. 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 136 of chapter 53 of the Revised Statutes of 1954, 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. 11. Board of trustees.** All the affairs of said Bridgton Water District shall be managed by a board of trustees composed of 3 members, who shall be residents of the town of Bridgton and users of the service provided by said district or one of the principal officers of a corporate user of said service, but none of the selectmen of the town of Bridgton shall be trustees. The present trustees of the water department of the Bridgton Centre Village Corporation shall continue as trustees of said district and shall hold office until their successors are duly elected or appointed. As soon as convenient after the fully effective date of this act, 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, clerk or treasurer, it shall promptly be filled by the board of trustees. At the annual meetings of the inhabitants of the town of Bridgton, the voters of said town shall elect one member of said board of trustees to serve for a term of 3 years. When any trustee ceases to be a resident of said town or ceases to be a user of the service provided by said district or one of the principal officers of a corporate user of said service, 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 selectmen. 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 district, and adopt a corporate seal. 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 shall be kept by or under the direction of said board of trustees, who shall report the

financial condition of the district and the doings of the board at each annual meeting of the town.

**Sec. 12. Exempt from taxation.** The property of said district shall be exempt from all taxation in town of Bridgton.

**Sec. 13. 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 system and provide for depreciation.
2. To provide for the payment of the interest on the indebtedness created by said 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 said 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. 14. Incidental powers.** All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are hereby granted.

**Sec. 15. Existing statutes not affected; rights conferred subject to existing provisions of law.** Nothing contained in sections 1 to 14, 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 1 to 14, inclusive, shall be exercised and performed in accordance with all the applicable provisions of chapter 44 of the Revised Statutes of 1954 and all acts amendatory thereof or additional thereto.

**Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Bridgton and of said Bridgton Centre Village Corporation at a regular meeting held within one year after the effective date of this act, provided that the warrants calling such meetings contain appropriate articles for that purpose. Such meetings shall be called and conducted according to the law governing municipal elections, except that the board of registration of said town and the assessors of said Bridg-

ton Centre Village Corporation shall not be required to prepare for posting, nor the town clerk or the clerk of said Bridgton Centre Village Corporation to post, another list of voters. The town clerk of the town of Bridgton and the clerk of the Bridgton Centre Village Corporation shall prepare proper ballots, upon which the subject matter of this act shall be reduced to the following question: "Shall the Act to Repeal Incorporation of Bridgton Centre Village Corporation and Incorporating Bridgton Water District, passed by the 98th Legislature, be accepted?" and the voters of said town and of said corporation shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall become fully effective on the 1st Monday in March next following the date that certificates of the result of each vote is filed with the Secretary of State to the effect that this act is accepted by both the inhabitants of the town of Bridgton and the Bridgton Centre Village Corporation, but only if the total number of votes cast for and against the acceptance of this act in said town meeting equals or exceeds 20% of the total vote for all candidates for Governor cast in said town at the next preceding gubernatorial election, excluding absentee and disability ballots.

The result of the vote shall be declared by the municipal officers of said town and by the assessors of said corporation, and a certificate of the result of the vote shall be filed by the clerk of said town and by the clerk of said Bridgton Centre Village Corporation with the Secretary of State.