

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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**Chapter 163.**

An Act to authorize the County Commissioners of Cumberland County to place the city of South Portland and the town of Cape Elizabeth in a jury district.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

South Portland and Cape Elizabeth, placed in jury district.

Section 1. The county commissioners of Cumberland county shall forthwith place the city of South Portland and the town of Cape Elizabeth in the jury district to which they may now respectively belong, and jurors shall be duly apportioned and drawn therefrom as provided by law.

Section 2. This act shall take effect when approved.

Approved March 16, 1899.

**Chapter 164.**

An Act to authorize the town of Kingfield to purchase the property and franchises of the Kingfield Water Company, and to incorporate the Kingfield Water Commissioners.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Town authorized to purchase property of water company.

—issue bonds.

Company authorized to sell property to town or water commissioners.

Town may vote to instruct officers to purchase property.

Town shall succeed to all the rights of the company.

Kingfield water commissioners, created.

Section 1. The inhabitants of the town of Kingfield are hereby authorized to purchase the franchises and property of the Kingfield Water Company, and to issue bonds therefor in whole or in part, to be known as Kingfield Water Bonds, in such amount and at such rate and on such time as said inhabitants shall vote as hereinafter provided.

Section 2. The Kingfield Water Company is hereby authorized to sell, transfer and convey its franchises and property to the town of Kingfield, or to the Kingfield Water Commissioners hereinafter incorporated.

Section 3. At any meeting of the inhabitants of said town they may by a majority vote instruct the municipal officers thereof to purchase said franchises and property at such price and upon such conditions as shall be then voted.

Section 4. The town of Kingfield, in case it shall so purchase the franchises and property of said Kingfield Water Company, shall succeed to all the rights and privileges of said company, and be subject to all its duties.

Section 5. The selectmen of Kingfield in office, on the approval of this act by the governor, and their successors, to be hereafter elected in accordance with law, are hereby created a body corporate and politic, by the name of the Kingfield Water

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Commissioners, and as such shall have a common seal, and power to sue and be sued. The Kingfield Water Commissioners shall elect a president from among their own number, and shall elect a clerk, and choose such other officers as the town of Kingfield may hereafter designate by ordinance. The town treasurer of the town of Kingfield, for the time being, shall be treasurer, ex-officio, of the Kingfield Water Commissioners, and shall keep the accounts of the money received and disbursed by him as treasurer of the town, separate and distinct from those of the money received and disbursed by him as treasurer of said Kingfield Water Commissioners.

—officers.

—treasurer.

Section 6. The powers and duties of said Kingfield Water Commissioners shall be those prescribed by such ordinances as the town of Kingfield may, from time to time, ordain.

Powers and duties of commissioners.

Section 7. The Kingfield Water Commissioners are hereby authorized to issue the bonds of the corporation, to be known as the Kingfield Water Commissioners' bonds, at such rates and on such times as may be approved by the town and for such amount as in conjunction with the other indebtedness of said town, shall not exceed the constitutional limit of the indebtedness which said town may incur; and the proceeds of the sale of said bonds shall be used exclusively for the purpose of paying the floating indebtedness incurred by the town of Kingfield in the purchase and extension of the system of water works by this act authorized, and for such future extensions and improvements as may be approved by the said town, or for the purchase by said commissioners by this act authorized.

May issue bonds.

—how bonds shall be used.

Section 8. The town of Kingfield is hereby authorized to convey to the Kingfield Water Commissioners, the corporation hereby created, in trust all the property to be purchased by said town of the Kingfield Water Company, under the provisions of this act, together with all additions, extensions and improvements made to said system of water works, for the sole purpose of securing the payment of the bonds issued under the provisions of section seven of this act, and for no other purpose. In like manner the Kingfield Water Company may convey its property and franchises direct to said commissioners. Said Kingfield Water Commissioners, in either case, may hold said property in trust for said purpose. And said system of water works shall be holden for payment of said bonds and their coupons, and said bonds and their coupons shall constitute a first lien thereon, subject to any existing incumbrance; and said lien shall not be impaired by said town or by said Kingfield Water Commissioners until all said bonds and coupons issued hereunder shall have been paid and said trust discharged.

Town authorized to convey in trust to commissioners, property of water company.

—company may convey property, direct to commissioners.

—bonds shall constitute a lien on water works.

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How lien may be enforced, if bonds are defaulted.

Section 9. In case of default in the payment of any of said bonds, the coupons attached thereto, when due, any holder thereof may petition the supreme judicial court for the county of Franklin, by bill in equity, for the benefit of himself, as well as for the benefit of all other holders of said bonds, and said court may enforce said lien, by appointment of receiver and by sale of said property, according to the usual practice in equity proceedings.

Water rates.

Section 10. The rates for the supply of water, charged and collected by said Kingfield Water Commissioners, shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest on the cost of the purchase of said system of water works by the town, and on the cost of all extensions thereto, and in addition thereto, not less than one per cent of said principal expenditures.

Sinking fund provided for, and how invested.

Section 11. Said Kingfield Water Commissioners shall invest the said one per cent of the principal expenditures mentioned in section six of this act as a sinking fund, in such securities as savings banks in this state are by law authorized to invest in. Any surplus of the receipts of said Kingfield Water Commissioners remaining at the end of the municipal year after paying for all repairs, operating expenses, extensions and interest charges as aforesaid, and said one per cent for the sinking fund, said Kingfield Water Commissioners shall likewise invest as aforesaid, and place in said sinking fund. And said Kingfield Water Commissioners may, when necessary, reinvest any of said securities. Said sinking fund and its accumulations shall be held solely for the purpose of redeeming and paying the principal of said bonds. Said town treasurer shall be the custodian of the sinking fund.

—custodian of fund.

Savings banks may invest in bonds.

Section 12. Bonds issued under the provisions of this act may be purchased and held by saving banks in this state.

Town may assume indebtedness.

Section 13. The town of Kingfield may assume the indebtedness represented by said bonds whenever it can constitutionally do so, by exchanging its own bonds for the bonds issued under the provisions of this act, and said bonds shall so provide. Bonds so providing shall be deemed negotiable. And whenever all the indebtedness is thus assumed by the exchange of bonds, or whenever said bonds and their coupons are all paid, said trust shall thereupon be discharged, on petition of said town of Kingfield, or said Kingfield Water Commissioners, to the supreme judicial court for the county of Franklin, sitting in equity, and said property, shall be reconveyed to said town of Kingfield, discharged of said trust.

—when bonds have been paid, trust shall be discharged.

Section 14. Said Kingfield Water Commissioners shall not sell, mortgage, or in any way dispose of said property, but shall hold the same solely for the purposes of the trust provided for by this act.

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Commissioners shall not sell nor mortgage property.

Section 15. All duties and powers necessary to be exercised with respect to said system of water works not conferred upon said Kingfield Water Commissioners by this act, or by any ordinances to be hereafter ordained by said town, shall be vested in the town of Kingfield. The town of Kingfield, and not said Kingfield Water Commissioners, shall be liable for all damages occasioned under and through the use of the franchises of the said Kingfield Water Company, and for such other defaults as said town would have been liable for had not the trust therein provided for been created.

All necessary powers not exercised by commissioners, shall be vested in the town.

—town liable for all damages.

Section 16. This act shall take effect when approved.

Approved March 16, 1899.

**Chapter 165.**

An Act to legalize the doings and records of Pine Grove Cemetery Association of Cherryfield.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. The acts, doings and records of the Pine Grove Cemetery Association of Cherryfield, Washington County, Maine, so far as relates to purchasing land, laying out streets and selling and conveying lots for burial purposes are hereby legalized, confirmed and made valid.

Doings of association, legalized.

Section 2. This act shall take effect when approved.

Approved March 16, 1899.

**Chapter 166.**

An Act to regulate the tolls of the Machias Boom.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. Section one of chapter one hundred and seventy-four of the private and special laws for the year eighteen hundred and ninety-one is hereby amended, so that the same shall read as follows:

Section 1, chapter 174, special laws 1891, amended.