

# 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 200.**

An Act to incorporate the Kennebec Water District.

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

Section 1. The territory and people constituting the city of Waterville and the Fairfield Village Corporation, shall constitute a body politic and corporate under the name of the Kennebec Water District, for the purpose of supplying the inhabitants of said district and of the towns of Benton and Winslow and all said municipalities with pure water for domestic and municipal purposes.

Kennebec water district, created.

—purposes.

Section 2. Said district is hereby authorized for the purposes aforesaid, to take and hold sufficient water of the Kennebec river, the Messalonskee stream or its tributary lakes, or the Sebasticook river or its tributary lakes, and may take and hold by purchase or otherwise, any land or real estate necessary for erecting dams, power, reservoirs or for preserving purity of the water and water shed, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water.

May take water.

—take land.

Section 3. Said district shall be liable for all damages that shall be sustained by any persons or corporations in their property by taking of any land whatsoever or mill privileges within the district or water from Snow pond, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams or constructing reservoirs. If any persons sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damage to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in case of damages by the laying out of highways.

Liable for all damages.

—damages, how ascertained in case of disagreement.

Section 4. Said district is hereby authorized to lay in and through the streets and highways thereof and of said towns of Benton and Winslow, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever said district shall lay any pipes or aqueducts in any street or highway, it shall cause the same to be done with as little obstruction as possible 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.

May lay pipes, etc., through streets of Benton and Winslow.

—shall not obstruct public travel.

Section 5. All the affairs of said water district shall be managed by a board of trustees composed of five members. Two of said trustees shall be chosen by the municipal officers of Waterville, two by the municipal officers of the Fairfield Village

Trustees.

—how chosen.

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—meeting of.

—elect clerk and other officers and adopt seal.

—tenure.

—by-laws.

—when term shall begin.

—compensation.

May acquire plant of Maine Water Company, by purchase or by right of eminent domain.

How appraisal shall be made, in case trustees fail to agree with company.

Corporation, and one shall be appointed by the county commissioners of Kennebec county from outside said district. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the city rooms in the city of Waterville and organize by the election of a president and clerk, adopt a corporate seal, and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for two years, one for three years, one for four years and one for five years; and whenever the term of office of a trustee expires, the body which appointed said trustee shall appoint a successor to serve the full term of five years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the district's affairs. The term of office of trustees shall begin on the first Monday of April. Said trustees may procure an office and incur such expenses as may be necessary. They shall render their services without compensation, but shall receive an allowance of two dollars apiece for each meeting of the board actually attended.

Section 6. Said water district is hereby authorized and empowered to acquire by purchase or by exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant, property and franchises, rights and privileges now held by the Maine Water Company within said district and said towns of Benton and Winslow, including all lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, and all apparatus and appliances owned by said company and used in supplying water in said district and towns and any other real estate in said district.

Section 7. In case said trustees fail to agree with said Maine Water Company upon the terms of purchase of the above mentioned property on or before April fifteenth, eighteen hundred and ninety-nine, said water district through its trustees is hereby authorized to procure judicial appraisal and condemnation of said property by bill in equity filed in the supreme judicial court for the county of Kennebec for that purpose on or before May one, eighteen hundred and ninety-nine, and jurisdiction is hereby given to said court over the entire matter, including application of the purchase money, discharge of incumbrances and transfer of the property. For the purpose

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of fixing the valuation thereof it shall appoint three appraisers, one of whom shall be learned in the law and another skilled in hydraulic engineering, none of whom shall be residents of the counties of Kennebec or Somerset, and on payment or tender by said district of the amount fixed, and the performance of all other terms and conditions imposed by the court, said entire plant, property, franchises, rights and privileges shall become vested in said water district, and be free from all liens, mortgages and incumbrances theretofore created by the Waterville Water Company, or the Maine Water Company. Said appraisers shall, upon hearing, fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that said Maine Water Company shall receive just compensation for all the same. In their report said appraisers shall state the date as of which the valuation aforesaid was fixed, from which date interest on said award shall run, and all net rents and profits accruing thereafter shall belong to the water district. The court may confirm such report, or reject it, or recommit the same, or submit the subject matter thereof to a new board of appraisers.

—appraisers, appointment and qualification of.

—shall fix valuation of plant, etc.

—report to court.

Section 8. Before a commission is issued to the appraisers, either party may ask for instructions to the appraisers and all questions of law arising upon said requests for instructions or upon any other matters in issue may be reported to the law court for determination before the appraisers proceed to fix the valuation of the property. All proceedings of the court or any judge with reference to any matter herein, raising a question of law, shall be subject to exceptions in the manner provided by statute in equity causes; but after decision of the law court upon report as provided for in the first part of this section, notwithstanding said exceptions, the case shall proceed before a single justice and shall not again be marked 'law' until after decree thereon, unless the court or the judge being of the opinion that any question involved is of sufficient importance shall otherwise order. After said appraisers begin the work of the valuation of said plant and property, said bill in equity shall not be discontinued or withdrawn by said water district and the said Maine Water Company after that date may on its part cause said valuation to be made as herein provided and shall be entitled to appropriate process to compel said water district to perform the terms of the final decree and to pay for said plant and property in accordance therewith.

Appraisers may ask and receive instructions upon questions of law.

—all proceedings shall be subject to exceptions.

—after decision of law court, case shall proceed before a single justice.

—after work is begun, bill in equity shall not be withdrawn.

Section 9. All valid contracts now existing between the Waterville Water Company or the Maine Water Company and any persons or corporations for supplying water within said

Contracts of water companies shall be assumed by district.

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district and said towns of Benton and Winslow shall be assumed and carried out by said Kennebec Water District.

May issue bonds.

Section 10. For accomplishing the purposes of this act said water district through its trustees is authorized to issue its bonds to an amount sufficient to procure funds to pay expenses incurred in acquisition of the property of said Maine Water Company and the purchase thereof and to secure a new source of supply. Said bonds shall be a legal obligation of said water district, which is hereby declared to be a quasi municipal corporation within the meaning of section fifty-five, chapter forty-six of the revised statutes, and all the provisions of said section shall be applicable thereto.

—district declared a quasi municipal corporation.

Rates for water and payment of.

Section 11. 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 all water used by them, and said rates shall be uniform in their application within the district. Said rates shall be so established as to provide revenue for the following purposes:

—for current expenses.

I. To pay the current running expenses for maintaining the water system and provide for such extensions and renewals as may become necessary.

—payment of interest..

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

—sinking fund.

III. To provide each year a sum equal to not less than one, nor more than three per cent of the entire indebtedness of the district, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund shall be devoted to retirement of the district's obligations or invested in such securities as savings banks are allowed to hold.

—dividends.

IV. If any surplus remain at the end of the year it shall be divided between the municipalities composing the district in the same proportions as each contributed to the gross earnings of the district's water system, and in order that these proportions may be readily determined, all money received for water in each of said municipalities shall be entered in separate accounts so that the total amount thereof can be easily ascertained.

Exempt from taxation.

Section 12. The property of said district shall be exempt from taxation.

Powers, rights and privileges.

Section 13. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

When act shall take effect.

Section 14. This act shall take effect whenever approved by majority votes of the city of Waterville and the Fairfield Village Corporation at legal meetings called under the provisions of the

charters of said places. This act shall take effect when approved by the governor so far as necessary to empower the calling of said meetings.

Section 15. Sections two, three and four of this act shall be inoperative, null and void, unless the said water district shall first acquire by purchase, or by exercise of the right of eminent domain as in this act provided, the plant, property, franchises, rights and privileges now held by the Maine Water Company within said district and said towns of Benton and Winslow.

Section 16. All costs and expenses arising under the provisions of this act shall be paid as directed by the court.

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Sections 2, 3 and 4, inoperative, unless water district shall acquire the plant, etc., of the company.

Costs and expenses, how paid.

Approved March 17, 1899.

### Chapter 201.

An Act to incorporate the Lisbon and Topsham Water Company.

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

Section 1. Edward Plummer, H. A. Christopher, W. H. Newell, H. E. Plummer, W. E. Plummer, Frank C. Whitehouse, John A. Fisher, George E. Stinson, Charles S. Whitney, J. W. Wakefield, George L. Leonard and William T. Haines, with their associates, successors and assigns are hereby made a corporation by the name of the Lisbon and Topsham Water Company, for the purpose of conveying to and supplying the towns of Lisbon and Topsham, including the villages of Lisbon, Lisbon Falls, Pejepscot and Topsham, and any other villages which may hereafter be organized in either of said towns of Lisbon and Topsham in the county of Androscoggin and state of Maine, with pure water.

Corporators.

—corporate name.

—purpose.

Section 2. Said corporation for said purposes may hold real and personal estate necessary and convenient therefor, to an amount equal to the amount of the capital stock issued by this corporation.

May hold estate equal to capital stock.

Section 3. Said corporation is hereby authorized for the purposes aforesaid, to take, collect, store, flow, use, detain, distribute and convey to the towns of Lisbon and Topsham aforesaid, or any village or villages therein, water from any stream, lake, pond, or springs situated in the towns of Bowdoin, Webster, Lisbon, Topsham, Durham, or from Sabattus pond, in the state of Maine, and it is also authorized to locate, construct and maintain dams, pumps, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, stand pipes, hydrants, and

May take water.