

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 290.

An Act to incorporate the Bangor Water District.

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

Section 1. The present and future inhabitants of the following described portion of the city of Bangor in the county of Penobscot are hereby constituted a body politic and corporate by the name of Bangor Water District, for the public purpose of supplying the aforesaid inhabitants of said district with pure water for domestic, sanitary and municipal purposes, and said territory shall constitute the territory of said district, and is bounded and described as follows.

Corporate name.

Beginning on the division line between said Bangor and the town of Veazie where it touches the Penobscot river; thence northerly on said division line to the road leading from Stillwater avenue to said Veazie; thence northwesterly by said road to its junction with said Stillwater avenue; thence in a westerly direction to the junction of the Burleigh road with Essex street; thence southwesterly by said Burleigh road and the Strickland road to Kenduskeag avenue; thence northwesterly by said Kenduskeag avenue to its junction with the Griffin road; thence by said Griffin road across the Kenduskeag stream under Merrill's bridge, so called, to its junction with the Fuller road; thence on the same course by the Cram road to its junction with the Cooper road; thence southerly by said Cooper road to its junction with Hammond street; thence southerly and parallel with the division line between said Bangor and the town of Hermon to the division line between said Bangor and the town of Hampden; thence easterly and southeasterly by said division line to the Penobscot river; thence up said river to the place of beginning.

--boundaries of territory embraced in water district.

Section 2. All the powers, duties, management and control of said corporation are vested in a board of five trustees, all of whom shall be residents of said district, but no person holding any municipal office in said Bangor shall be eligible as such trustee. Said trustees shall be elected by the municipal officers of Bangor as follows. After the approval of this act by the governor and immediately after its acceptance by the qualified voters within said district, as hereinafter provided, all five trustees shall be elected, one to serve for one year, one for two years, one for three years, one for four years and one for five years, respectively, from the first day of May in the year of their election, and thereafter one trustee shall be elected annually to serve

Board of trustees.

--all shall reside in said district.

--trustees, how elected.

--tenure of trustees.

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--vacancies, how filled.

for five years from the first day of May in the year of his election. All vacancies in said board shall at once be filled by said municipal officers for the unexpired term of the trustee so vacating.

--officers of board of trustees.

Said board of trustees shall at once upon their election choose a president, clerk and treasurer of said corporation, and may elect all other necessary officers, and shall have the power to appoint all necessary subordinate officers, or employees, and fix their respective salaries or wages, and shall adopt a code of by-laws for their own government and for the government of the affairs of the corporation. Said trustees shall receive no compensation whatever.

--subordinate officers or employees.

This act shall have no force until accepted by legal vote.

Section 3. Except for the presentation of the question of the acceptance of this charter, as hereinafter provided, this act shall have no force or effect until it has been accepted by legal vote in favor thereof constituting at least a majority of all the legal votes cast by the qualified voters residing within the limits of said district, voting in their several wards at a special election to be called, notified, warned, conducted, certified and declared as in regular municipal elections in said city of Bangor.

--board of registration shall prepare checklists.

The board of registration shall prepare and furnish separate check lists for the several wards for such of the voters within said district as are then legal voters of said city and reside in that part of said several wards as is embraced in said district, and all notices, warrants or other proceedings shall be varied accordingly so as to show that only such voters as reside in said district as aforesaid are entitled to vote upon the above question, but, other than as above provided, said board of registration shall not be required to prepare, or the city clerk to post, new lists of voters. The board of registration shall be in session the three secular days next preceding said election, the first two days thereof to be devoted to the registration of voters, and the last day thereof to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions. The city clerk shall prepare and furnish the necessary ballots and shall reduce the subject matter of this act to the following question: "Shall the act to incorporate Bangor Water District be accepted?" And the voters shall indicate by a cross placed against the words 'yes' or 'no' their votes upon the question. The result shall be declared as aforesaid and due certificate thereof filed by the city clerk with the secretary of state.

--only such voters as reside in district shall vote.

--board of registration shall be in session 3 days prior to election.

--city clerk shall prepare ballot.

--form of vote.

--special election, how called, notified and warned.

In the first instance such special election may be called, notified and warned by the municipal officers of the city of Bangor, and shall be called, notified and warned by them and held upon request in writing presented to the city clerk of Bangor and

signed by at least two hundred qualified voters residing within said district, but if said act shall not be accepted, no subsequent special election shall be had unless the city government of Bangor shall vote in favor of holding the same for the purpose aforesaid.

Section 4. Except as above provided this act shall be of no validity or effect until at least two-thirds of the qualified voters of said Bangor, voting at any regular or special election held for the purpose, shall vote in favor of granting to said Bangor Water District the water works plant of said city of Bangor, its dam, pumping station, and all machinery, tools and paraphernalia therein, its land and buildings connected therewith, mains and other pipes and pipe lines, its standpipe or water tower and the lot on which the same stands, and all other property, real or personal, and of every description, wherever the same may be situate, used in connection with or in the operation of said water works plant, excepting, however, the electric light plant at said pumping station, and the machinery, tools and paraphernalia used in connection therewith, said exception not to include any machinery used in connection with the pumping of water.

Two-thirds vote to grant to said district the water works plant of Bangor.

--electric light plant excepted.

The city clerk shall prepare and furnish the necessary ballots and shall reduce the subject matter of such vote to the following question: "Shall the city grant its water works system to Bangor Water District?" And the voters shall indicate by a cross placed against the words 'yes' or 'no' their vote upon the question.

--city clerk shall prepare vote.

In case of such special election, it shall be called, notified, warned, conducted, certified and declared in the same manner as is above provided in regard to the special election for the acceptance of this charter, excepting only that the voters on this question shall include all the qualified voters in said city of Bangor.

--special election, how called, etc.

In the first instance such special election may be called, notified and warned by the municipal officers of Bangor and shall be called, notified and warned by them and held upon the request in writing of the trustees of said Bangor Water District, or of at least two hundred qualified voters residing in said city, presented to the city clerk, but no subsequent special election shall be held unless the city government of Bangor vote in favor thereof.

--special election, in first instance, how called, etc.

The declaration of the vote aforesaid in favor of such proposition shall constitute a grant of all the property aforesaid and the title thereto shall at once pass to and vest in said Bangor Water District, and as the consideration therefor the trustees of said district shall at once and before entering into the possession

--declaration of vote in favor, shall constitute grant of property.

--consideration therefor.

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thereof, by instrument in writing under their hands and under the seal of said corporation, assume and agree to pay on or before maturity, all the indebtedness of said city of Bangor then incurred on account of said water works system, both principal and interest, and in accordance with the terms of the obligation of said city; and to at once take over the possession, management and control of said water works system, and to operate and continue to operate, and to keep the same in repair and in good working order; and to furnish said city at or near said pumping station with proper facilities to house its electric light plant and the machinery aforesaid, and to at all times furnish sufficient water power to operate the same, so far as the facilities of the present dam will allow, excepting only when such power is needed to operate the water works plant.

Corporation shall secure new source of water supply.

--shall have right of eminent domain.

--to take and hold waters of Phillips lake and certain other waters.

--or waters of Holbrook and Davis ponds.

--or waters of Brewer pond.

--and to erect dams, etc.

--and to raise head of water.

Section 5. As soon as the title to said water works plant shall have passed to said district as aforesaid, said corporation shall have the power and it shall be its duty to secure for the benefit of the inhabitants of said district an entirely new source of water supply for the purposes aforesaid; and to this end it shall have the power, by right of eminent domain as hereinafter provided, which right is hereby expressly delegated to said corporation, or otherwise, to take and hold the waters of Phillips lake in the town of Dedham and county of Hancock, and any of its tributaries, and the waters of any lakes or ponds in that vicinity that may be necessary or convenient as auxiliary sources of supply in addition to said Phillips lake for the uses and purposes of said corporation, and the waters of their tributaries; or the waters of Holbrook and Davis ponds, being connecting ponds, in the town of Holden in the said county of Penobscot, and the waters of any of their tributaries, and the waters of any lakes or ponds in that vicinity that may be necessary or convenient as auxiliary sources of supply in addition to said Holbrook and Davis ponds for the uses and purposes of said corporation; or the waters of Brewer pond, otherwise known as Hines pond, situate partly in the town of Bucksport in said Hancock county, and partly in the towns of Orrington and Holden in said Penobscot county, and the waters of its tributaries and the waters of any lakes or ponds in that vicinity that may be necessary or convenient as auxiliary sources of supply in addition to said Brewer pond for the uses and purposes of said corporation; and to erect dams, build piers or other structures necessary for the operation of said corporation's plant, and to raise the head of water in any of said lakes or ponds or their tributaries necessary to form reservoirs to hold sufficient supply for said corporation's purposes, and to take and hold so

much of the water sheds of any of said lakes or ponds and any of their tributaries aforesaid as may be necessary to preserve the purity of said corporation's water supply; and conduct any of the aforesaid waters by aqueducts or pipe lines in and along any highway and in and over any lands and across said Penobscot river to a point at or near the present pumping station at the Water Works dam, so called, situated in said Bangor; and to that end, by right of eminent domain, which right is hereby expressly delegated to said corporation, or otherwise, to take, acquire and hold any lands, easements or other rights that may be necessary to conduct said waters as aforesaid, said right of eminent domain to be exercised as hereinafter provided.

--may conduct aforesaid waters by pipes, etc.

--may take lands for laying pipes.

Said corporation is also empowered, by right of eminent domain which is hereby expressly delegated to it, or otherwise, to take and hold any convenient lands for the purposes of a reservoir to hold said waters, or for a filter plant to filter the same, and such as may be necessary for the maintenance and use of such reservoir or filter.

--may take lands for reservoirs, filter plants, etc.

Any person, firm or corporation legally entitled to and suffering any damage by reason of the aforesaid rights granted to said corporation, shall receive from said corporation just compensation therefor, as hereinafter provided.

Damages may be recovered.

Said corporation shall cause to be prepared and file a plan and description of the lands, easements, waters and other rights to be taken as aforesaid with the county commissioners of the several counties where the same are situate, and the clerks of their respective boards shall endorse the time of filing thereon and record the description of said location and preserve such plan, and the filing of such plan and description as aforesaid shall be deemed and treated and constitute a taking of the property therein described as aforesaid, and the legal owners thereof shall be entitled to receive just compensation therefor in the manner hereinafter provided.

--plans of lands taken shall be filed.

If said corporation by said location fails to acquire the property therein described, or the location as 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 it is liable in damage by reason of such new or amended location only for property embraced therein for which the owner had not previously been paid.

--plans may be perfected if defective.

Section 6. For the property so taken as aforesaid the owners are entitled to damages to be paid by said corporation and estimated by the county commissioners of the several counties where the same is located, on written application of either party made within one year after the filing of the description and location as

Damages, how estimated.

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aforsaid, in the manner and with the rights as are provided in the revised statutes, chapter fifty-one, sections thirty-one and thirty-two, so far as the same can be made applicable hereto. Section thirty-five of said chapter in regard to the commissioners' report of damages and expenses of the proceedings, section thirty-six in regard to the right of appeal and proceedings thereunder, section thirty-seven in regard to the deposit of damages and interest, section thirty-eight in regard to injunction proceedings and the rights thereunder, section thirty-nine in regard to the service of process, and section forty in regard to proceedings for breach of injunction, so far as the same can be, are made applicable to the proceedings under this act and shall constitute the method of procedure hereunder.

--state shall not receive pay for use of waters from ponds more than ten acres in extent.

The state shall not demand or receive any consideration for the use of any of the waters of any of the aforsaid lakes or ponds of more than ten acres in extent known as 'great ponds.'

--may maintain present pipe lines, etc.

Said corporation is empowered to maintain all the present pipe lines in the streets, highways, parks and squares of said Bangor, or wherever else in said city the same are now legally placed; and all hydrants and other fixtures connected with said pipe lines or hydrants; to replace, reconstruct or repair all the same, or to lay new pipes, set new hydrants and other fixtures necessary in the streets, highways, parks or squares of said city, or wherever else in said city the same can be legally located, when deemed necessary or desirable, and may do all necessary acts and things in said streets, highways, parks or squares, or elsewhere in said city if legal, for the aforsaid purposes. Subject, however, to such ordinances or regulations of said city as now exist or which may hereafter be passed or made by said city and applicable hereto.

--may lay new pipes.

May supply water to persons outside of district.

As an incident to the powers of said corporation it may supply persons, firms or corporations residing or located beyond the limits of said district with water when and on such terms as said board of trustees may determine, and for this purpose said corporation shall have the same rights and powers and be subject to the same duties and obligations in the streets, highways, parks and squares, or elsewhere, in the territory situate outside of said district as is provided herein in the case of the territory within said district.

May issue bonds for certain purposes.

Section 7. For accomplishing the purposes of this act, said water district through its trustees aforsaid, is authorized to issue its bonds to an amount sufficient to procure funds to carry out the purposes of this act and secure a new source of water supply, and for the further extension, addition and improvement of the present water works plant, and including the

guaranty and payment of the indebtedness of the city of Bangor on account of its water works system, both principal and interest, and to take up said indebtedness, all in accordance with the terms and provisions hereinbefore set forth.

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 ninety-six of chapter forty-seven of the revised statutes, and all the provisions of said section shall be applicable thereto. Said bonds shall be a legal investment for savings banks.

--said bonds shall be a legal obligation.

Section 8. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said corporation the rates established by its board of trustees aforesaid for the water used by them, and said rates shall be uniform within the territory of said district. Said rates shall be so established as to provide revenue for the following purposes:

Board of trustees may establish water rates.

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

--to pay current expenses.

2. To provide for payment of the interest on the indebtedness of the district, including the interest on the city of Bangor water loan bonds aforesaid, and interest on said city's indebtedness on account of its water works as aforesaid.

--to pay interest on indebtedness.

3. To provide each year a sum equal to not less than one or more than five per cent of the entire indebtedness of the district, including the aforesaid indebtedness of said city of Bangor, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt of said corporation, including the aforesaid funded debt of said city. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of said district or of the said city of Bangor as aforesaid, or invested in such securities as savings banks are allowed to hold.

--to provide for requirements of a sinking fund.

4. If any surplus remains at the end of the year it may be paid to said city of Bangor.

--surplus, if any, how disposed of.

Section 9. Said city of Bangor may, at any time when it can legally do so, take over the plant, property and system of said corporation upon guaranteeing to said corporation the payment of all its indebtedness and obligations then outstanding, and in such event said city shall be under the legal obligation to said corporation to pay all of said indebtedness and obligations of said corporation and shall have the power to and shall thenceforth operate said water works system, have all the rights and privileges of said corporation and shall be under all its duties and obligations, and shall hold said corporation harmless from

City of Bangor may take over plant.

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--provisions
for taking
over the
property of
said district.

all liability whatsoever on account of said water works system or the operation thereof. Provided, however, that said city shall not so acquire said water works system until at least two-thirds of the qualified voters in said city, voting at any regular municipal or special election held for the purpose, shall have voted in favor thereof, and the declaration of such vote shall constitute a transfer of all said property and said city shall at once execute and deliver a proper instrument of guaranty and agreement to said corporation to effect the foregoing result.

Trustees
shall not
supply water
district with
materials, etc.

Section 10. No such trustee nor any firm or corporation of which he is a member or by whom he is employed shall enter into any contract with said corporation or sell to said corporation any tools, machinery or material to be used in the construction, repair or maintenance of the present or future property of said corporation, and all such contracts or sales shall be absolutely void.

Trustees shall
make
annual report
to city
government.

Section 11. The trustees of said Bangor Water District shall, at the beginning of each municipal year of said city of Bangor, present to the incoming city government of said city a detailed report for the past municipal year 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 corporation as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust.

Incidental
powers
granted.

Section 12. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Section 13. Except as above provided, this act shall take effect when approved.

Approved March 21, 1905.

Chapter 291.

An Act to incorporate the Hampden Water Company.

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

Corporators.

Section 1. G. W. Smith, H. W. Mayo, Frank H. Damon, John Leary, W. H. Nason, C. W. Page and W. W. Emerson, their associates, successors and assigns, are hereby made a corporation by the name of the Hampden Water Company, for the purpose of supplying the town of Hampden, in the county of Penobscot, and the inhabitants of said town, with pure water for

--corporate
name.