

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.

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adopted, and any other corporate business transacted. Subsequent meetings shall be called and held in accordance with the provisions of section four of chapter sixteen of the revised statutes, and said corporation shall in all respects, after the first meeting, be governed by the statute applicable to parishes and religious societies.

Section 4. This act shall take effect when approved.

Approved March 21, 1905.

Chapter 316.

An Act to incorporate the Van Buren Water District.

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

Territorial limits of district defined.

Section 1. The following described territory, and the people within the same, namely: so much of the towns of Van Buren, in the county of Aroostook, as is bounded as follows: On the easterly side by the easterly line of Township M., Range Two, W. E. L. S., Van Buren, from the Saint John river to the rear line of the river lots in said Van Buren; on the northeasterly by the Saint John river; on the southwesterly by the rear line of the river lots, so called, and on the northwesterly by the southeasterly line of the homestead farm of Victorie Cyr; so as to include all of the territory of the river lots, so called, in Van Buren from the line between Van Buren and Hamlin on the easterly up to the southeasterly line of the homestead farm of said Victorie Cyr, shall constitute a body politic and corporate under the name of the Van Buren Water District, for the purpose of supplying the inhabitants of said district, and likewise of the remaining portion of said town of Van Buren, and those of Hamlin aforesaid, with pure water for domestic and municipal purposes.

--corporate name.

--purpose.

May take water of Violette brook stream and tributaries.

--may take land for dams, etc.

Shall be liable for damages.

Section 2. Said water district is hereby authorized for the purposes aforesaid to take and hold sufficient water of the Violette brook stream and its tributaries, and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, or for preserving the purity of the water and watershed, and for laying and maintaining aqueducts for taking, discharging and disposing of water.

Section 3. Said water district shall be liable for all damages that shall be sustained by any person or corporation in their property by the taking of any land whatsoever, or water, or by flowage, or by excavating through any land for the purpose

of laying pipes, building dams or constructing reservoirs. If any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in the case of damages by the laying out of highways.

--damages, how ascertained.

Section 4. Said water district is hereby authorized to lay in and through the streets and highways thereof and of the remaining portion of said town of Van Buren and of Hamlin plantation, 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.

Authorized to lay pipes, etc.

--shall not unnecessarily obstruct streets.

Section 5. All the affairs of said water district shall be managed by a board of trustees composed of three members, to be chosen by ballot by the legal voters within said water district, the first election to be at the meeting of the legal voters of the said corporation to be called to accept this act, one to serve until the annual meeting to be held in nineteen hundred and six, one to serve until the annual meeting to be held in nineteen hundred and seven, and one to serve until the annual meeting in nineteen hundred and eight. Whenever the term of office of a trustee shall expire the legal voters of the said water district shall elect a successor to serve for a full term of three years, and if any other vacancy occur it may be filled in like manner for the unexpired term. The annual election of officers shall be in the month of March. As soon as convenient after the board of trustees has been chosen, the said trustees shall hold a meeting at the office of the selectmen in the town of Van Buren, and organize by the election of a chairman and clerk, adopt a corporate seal, and when necessary, may choose a treasurer and all other needful officers and agents for the proper management of the affairs of said water district. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services an allowance of fifty dollars per year, or such other less sum as the said water district at any legal meeting may prescribe.

Management shall be by board of three trustees.

--when and how chosen.

--tenure.

--vacancies, how filled.

--organization of board of trustees.

--may choose treasurer and other needful officers.

--compensation of trustees.

The said water district, at any legal meeting thereof, called for the purpose, may adopt such by-laws and provisions, not inconsistent with the laws and constitution of this state and the United States, as they may deem expedient and necessary for

Water district at a legal meeting may adopt by-laws.

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the better government and regulation of the municipal affairs within said water district, in which case such by-laws and provisions so adopted, shall extend to said water district as fully, to all intents and purposes, as the other provisions of this act, subject only to alterations or additions by a two-thirds vote, at a legal meeting of the water district called for the purpose.

May acquire or take property of Van Buren Water Company.

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

Proceedings for appraisal of value of Van Buren Water Company.

Section 7. In case said trustees fail to agree with said Van Buren Water Company upon the terms of purchase of the above mentioned property on or before June first, nineteen hundred and five, said water district through its trustees is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said water district through its trustees is hereby authorized on or before June fifth, nineteen hundred and five, to file a petition in the clerk's office of the supreme judicial court for the county of Aroostook, in term time or in vacation, addressed to any justice of said court, who after notice to said Van Buren Water Company and its mortgagees, shall after hearing and within thirty days after the filing of said petition appoint three disinterested appraisers, none of whom shall be residents of the county of Aroostook, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises. The said appraisers shall have the power of compelling attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths; and any witness, or person in charge of such books or papers, refusing to attend, or to produce the same, shall be subject to the same penalties and proceedings so far as applicable as witnesses summoned to attend the supreme judicial court.

--petition.

--appointment of appraisers.

--powers of appraisers.

--appraisers shall, after notice and hearing, fix valuation.

The appraisers so appointed shall after due notice and hearing fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that the said Van Buren Water Company shall receive just compensation for all the same.

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The first day of July, nineteen hundred and five, shall be the date as of which the valuation aforesaid shall be fixed, from which day, interest on said award shall run, and all net rents and profits accruing thereafter shall belong to said water district. The report of said appraisers or of a majority of them, shall be filed in said clerk's office, in term time or vacation within five months after their appointment, and such single justice or in case of his inability to act then, any justice designated for the purpose by the chief justice, may, after notice and hearing, confirm or reject the same, or recommit it if justice so requires. The award of the appraisers shall be conclusive as to valuations. Upon the confirmation of said report the court so sitting shall thereupon, after hearing, make final decree upon the entire matter, including the application of the purchase money, discharge of incumbrances and transfer of the property, jurisdiction over which is hereby conferred, with the same power to enforce said decree as in equity cases. Upon request of either party the justice so making such final decree shall make separate findings of law and fact. All such findings of fact shall be final, but either party aggrieved may take exceptions to any rulings of law so made, the same to be accompanied only by such parts of the case as are necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of parties. They shall be entered at the next term of the law court to be held after the filing of said decree, and there heard, unless otherwise agreed, or the law court shall for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below, or remand the cause for further proceedings as it seems proper. During the pendency of such exceptions the cause shall remain on the docket of the court below marked law and decree shall be entered thereon by a single justice in term time or in vacation, in accordance with the certificate and opinion of the law court. Before said plant, property and franchises are transferred in accordance with such final decree, and before the payment therefor, the court sitting in said county of Aroostook, by a single justice thereof as hereinbefore provided, shall, upon motion of either party, after notice and hearing, take account of all receipts and expenditures properly had or incurred by the Van Buren Water Company belonging to the period from and

--date when valuation shall be fixed.

--report of appraisers shall be filed in clerk's office.

--final decree of court.

--findings of fact to be final.

--exceptions to rulings of law.

--exceptions shall be taken within ten days from final decree.

--further proceedings.

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after July first, nineteen hundred and five, and all the net rents and profits accruing thereafter, and shall order the net balance due to either party to be added to or deducted from the amount to be paid under said final decree, as the case may be. All findings of law or fact by such single justice at such hearing shall be final. On payment or tender by said water district of the amount so fixed and the performance of all other terms and conditions so imposed by the court, said entire plant, property and franchises shall become vested in said water district and be free from all liens, mortgages, and incumbrances theretofore created by the Van Buren Water Company. After the filing of said petition it shall not be discontinued or withdrawn by said water district, and the said Van Buren Water Company may thereafterwards 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, property and franchises in accordance therewith.

Valid exist-
ing contracts
shall be
assumed.

Section 8. All valid contracts now existing between the Van Buren Water Company and any persons or corporations for supplying water within said water district and the remaining portion of said town of Van Buren and Hamlin plantation, shall be assumed and carried out by said Van Buren Water District.

Authorized to
issue bonds.

Section 9. 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 the expenses incurred in the acquisition of the property of said Van Buren Water Company, and the purchase thereof, and to secure a new source of supply, or the improvement of the present supply, and to make such extensions of the present system as the interests of the said water district shall demand. 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, chapter forty-seven of the revised statutes, and all the provisions of said section shall be applicable thereto. The said bonds shall be a legal investment for savings banks.

Uniform rates
shall be paid.

Section 10. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said water district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the water district. Said rates shall be so established as to provide revenue for the following purposes:

--to pay
current
expenses.

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

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2. To provide for payment of the interest on the indebtedness of the water district.

--to pay interest.

3. To provide each and every year after April tenth, nineteen hundred and ten, a sum equal to not less than one-half of one per cent nor more than three per cent, and after April tenth, nineteen hundred and fifteen, a sum equal to not less than one per cent nor more than three per cent of the entire indebtedness of the water 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 the retirement of the obligations of the water district or invested in such securities as savings banks are allowed to hold.

--to provide a sinking fund.

--disposal of money set aside as a sinking fund.

4. If in any year there remain a surplus at the end of the year, the amount of such surplus shall be deducted from the hydrant rental paid to the district by the town of Van Buren, and if in any year there be a deficit, the water district may raise by assessment such sum of money as may be necessary and sufficient to liquidate such deficit.

--surplus how disposed of.

--deficit how made up.

Any money raised by said water district for the purpose aforesaid, shall be assessed upon the property and polls within the aforesaid territory, by the trustees of said corporation, in the same manner as is provided by law for the assessment of county and town taxes; and said trustees may copy the last valuation of said property by the assessors of the town of Van Buren, and assess the taxes thereon if said water district shall so direct, and may abate any tax by them so assessed, the tax on polls not to exceed, at any one assessment, the sum of one dollar to any one person in any one year.

Assessment shall be made for money raised.

5. Upon a certificate being filed with the trustees of said water district by the clerk thereof, of the amount of money raised at any meeting for the purpose aforesaid, it shall be the duty of said trustees, as soon as may be, to assess said amount upon the estates and polls of persons residing on the territory aforesaid, and upon the estates of non-resident proprietors thereof, and the trustees to certify and deliver to the treasurer of said water district, whose duty it shall be to collect the same in like manner as county and town taxes are, by law, collected by towns, and said water district shall have power to direct the mode of collecting said taxes as towns have in the collection of town taxes.

How assessment and collection shall be made.

Section 11. All the incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Incidental powers granted.

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This act shall take effect when accepted by legal voters of water district.

--first meeting, by whom called.

--proceedings by board of registration.

--form of vote to be submitted.

--method of voting.

This act shall be void unless property of Van Buren Water Co. be acquired.

Costs and expenses, by whom paid and borne.

Section 12. This act shall take effect when accepted by a majority vote of the legal voters within said water district, voting at a meeting to be specially called and held for the purpose on or before the first day of May, nineteen hundred and five, and Peter C. Keegan, A. J. Dubay, and Allan E. Hammond, or either of them, are hereby authorized to call said meeting. The board of registration shall make and provide a separate check list for such of the voters within said water district as are then legal voters of said town, and all warrants issued to said town shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such special meeting shall be called, advertised, and conducted according to the law relating to municipal election, provided, however, that the board of registration shall not be required to prepare or the town clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Van Buren Water District be accepted?" and the voters shall indicate by a cross placed against the words yes and no their opinion of the same. The result shall be declared by the selectmen of Van Buren, and due certificate thereof filed by the town clerk with the secretary of state. This act shall take effect when approved by the governor, so far as necessary to empower the calling and holding of such meeting.

Section 13. 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 the exercise of the right of eminent domain as this act provides, the plant, property and franchises, rights, and privileges now held by the Van Buren Water Company within said district and the remaining portion of the town of Van Buren and Hamlin plantation.

Section 14. All costs and expenses arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section seven.

Section 15. This act shall take effect when approved.