

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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Chapter 13.

An Act to create the Bingham Water District.

Be it enacted by the People of the State of Maine, as follows:

Territorial
limits of
water dis-
trict.

Section 1. The following described territory, and the people within the same, namely; so much of the town of Bingham, in the county of Somerset, beginning at a point on the Kennebec river, at the northerly line of said town of Bingham, and extending easterly along said northerly line of said town of Bingham, to the easterly line of the "River Tier" of lots in said Bingham; thence southerly along said easterly line of said river tier of lots to the southerly line of the Ingram C. Pierce farm; thence westerly along said southerly line of the Ingram C. Pierce farm to the Kennebec river; thence northerly by said Kennebec river to the point of beginning, shall constitute a body politic and corporate under the name of the Bingham Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, manufacturing and municipal purposes.

Sources of
water sup-
ply.

Section 2. Said corporation is hereby authorized for the purpose aforesaid to take water from Jackson pond, so-called, in the town of Concord, in said county of Somerset, or from Austin stream, so-called, in said Bingham or in the town of Moscow, or from the Kennebec river, to erect and maintain pumping stations, with all the necessary appliances required therefor, to erect and maintain reservoirs and standpipes, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disbursing water, and forming proper reservoirs therefor, and said corporation may take and hold by purchase or otherwise any lands or real estate necessary therefor, and may excavate through any lands when necessary for the purpose of this corporation.

—may erect
and maintain
pumping sta-
tions.
—lay pipes,
etc.

—may take
and hold
lands.

Water dis-
trict liable
for damages.

Section 3. Said water district shall be liable for all damage 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 damages 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 deter-
mined, if
parties fail
to agree.

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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 Bingham, and the adjoining towns of Concord and Moscow, 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 pavement and earth removed by it to be replaced in proper condition.

May lay pipes through streets and highways, take up and repair same.

Section 5. 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 purposes, any lands, right of way, or any other interest in real estate which may be required for the carrying out of the purposes of this corporation.

Lands may be purchased or taken by right of eminent domain.

Section 6. 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 said corporation to be called for the purpose of voting upon the acceptance of this act, one to serve until the annual meeting to be held in the year nineteen hundred and twelve, one to serve until the annual meeting in the year nineteen hundred and thirteen, and one to serve until the annual meeting in the year nineteen hundred and fourteen. 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 meeting for the election of officers shall be in the month of July. As soon as is convenient after the board of trustees has been chosen, the said trustees shall hold a meeting and organize by the election of a chairman and clerk, adopt a corporate seal, choose a treasurer and when necessary may elect all other needful officers and agents for the proper management of the affairs of said water district.

Board of trustees and election of.

—tenure of office.

—election of successors.

—vacancies, how filled.
—annual meetings, when held.

—chairman and clerk.

Each member shall receive in full compensation for his service the sum of two dollars for each and every regular and special meeting of said board at which he is in attendance.

—compensation.

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

—may adopt by-laws.

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fairs of said water district, in which case, such by-laws and provisions so adopted shall apply to said water district as fully, to all intents and purposes, as the other provisions of this act, subject to alterations and additions only by a two-thirds vote of the legal voters of said water district present and voting at a legal meeting thereof called for the purpose.

May issue bonds.

Section 7. 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 expense incurred in the construction and installation of its system of pipe lines, dams, reservoirs, pumping stations and whatever equipment may be necessary or incidental to the construction and installation of such system of water works, and additions thereto, including the expense of taking by purchase or otherwise, of lands, rights of way, or other interests in real estate which may be necessary for the carrying out of the purposes of this act. 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.

May raise money annually, by taxation, for fire protection.

Section 8. The Bingham Water District hereby created, is hereby authorized and empowered to raise annually a sum of money, which in the judgment of the board of trustees, is sufficient to defray the expense of furnishing water in said district for the purpose of fire protection, by taxation of the legally taxable property within said district according to the inventory of taxable property therein as rendered by the assessors of said town of Bingham.

Water rates established by trustees.

—rates shall be uniform.

—current running expenses.

—interest

—sinking fund.

Section 9. All individuals, firms and corporations, whether private, public, national or municipal, shall pay to the 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 resources for the following purposes:

1. To pay the current running expenses for maintaining the water system, and to provide for such extensions and renewals as may become necessary.
2. To provide for payment of interest on the indebtedness of the district.
3. To provide each year a sum equal to not less than one nor more than five 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

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money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

Section 10. All the incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to the corporation hereby created.

Incidental powers granted.

Section 11. This act shall take effect when accepted by a majority vote of the legal voters within said water district, at a meeting to be specially called and held for the purpose on or before the first day of August, in the year nineteen hundred and eleven, and the selectmen of the town of Bingham are hereby authorized to call said meeting, and to make and provide a separate check list of 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 within said district 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 selectmen shall not be required to prepare, or the town clerk to post a new list of voters.

Act to take effect when accepted by major vote of legal voters of water district.

—special meeting, how called.

The town clerk shall reduce the subject matter of this act to the following question: Shall the act to incorporate the Bingham 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 Bingham, 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 is necessary to empower the calling and holding of such meeting.

—form of question to be submitted to voters.

Approved February 15, 1911.

Chapter 14.

An Act to incorporate the Bingham Water Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Samuel A. Smith, Henry Cooley, Orison Gordon, Albert F. Donigan, Forrest H. Colby, Arthur C. Dinsmore, Fred H. Preble, Ray C. Brown, Walter E. Robinson, Will Robinson and Harold I. Goss, with their successors and associates, are hereby made a body corporate by the name of the Bingham Water Company, for the purpose of conveying to, and supplying the inhabitants of the towns of Bingham and Concord with water for all domestic, sanitary, municipal and commercial pur-

Corporators.

—corporate name.

—purposes.