

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

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given in writing to the person affected thereby and in case of his absence it may be left with the person in charge of the premises. Any order, rule or regulation of said Board of Health, requiring a change in any structure which was in existence on January first, nineteen hundred thirteen, the sanitary conditions of which on that date were in conformity to the law as then existing, shall provide for such change to be made by or at the expense of the Portland Water District. Whoever violates any rule, regulation or order made by said Board of Health under the provisions of this section shall be punished for each offense by a fine of not more than five hundred dollars, payable to the state, or by imprisonment for not more than one year or by both such fine and imprisonment.

—violation of rules, etc., how punished.

Appeal from rules of board of health.

Section 5. Any person aggrieved by any order, rule or regulation passed by the state board of health under the authority of this act may appeal therefrom to the supreme judicial court, which court shall also have jurisdiction in equity upon the application of the state board of health or the trustees of the Portland Water District to enforce all orders, rules and regulations made by the State Board of Health under the provisions of this act and to enjoin, prevent, or restrain any violation of the provisions of this act.

Compensation of board of health.

Section 6. The members of the state board of health shall be allowed the sum of five dollars per day and travelling expenses, while engaged in carrying out the provisions of this act, and said board may, whenever it shall deem the same necessary, employ at the expense of said Portland Water District, a competent sanitary engineer to assist and advise said board in carrying out the provisions hereof. The traveling expenses and per diem compensation of the members of the state board of health and expense of the employment of said sanitary engineer shall be audited by the trustees of the Portland Water District and paid by said district.

—compensation, etc., shall be audited.

Approved March 25, 1913.

Chapter 158.

An Act to Create the Temple Water District.

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

Territorial limits.

Section 1. The following described territory and the people within the same, namely: the entire town of Temple in the county of Franklin, excepting therefrom the lots contained in range one in the said town, shall constitute a body politic and corporate under the name of the Temple Water District, for the

—corporate name.

purpose of supplying the inhabitants of said district pure water for domestic, sanitary, manufacturing and municipal purposes.

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Section 2. Said corporation is hereby authorized for the purposes aforesaid, to take water from the Farmington Village Corporation by connecting its pipes with the pipe belonging to and maintained and operated by the Farmington Village Corporation at such point on said line in said town of Temple, and upon such terms and conditions as may be mutually agreed upon by the trustees of said Temple Water District, and the assessors of said Farmington Village Corporation; and for that purpose the said Farmington Village Corporation, acting by and through its assessors, is hereby authorized and empowered to enter into such contract with the said Temple Water District; and 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.

—purposes.

May take water from Farmington Village Corporation.

—terms and conditions.

—contract may be made.

—may maintain reservoirs, etc.

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.

Water district liable for damages.

—damages, how ascertained.

Section 4. Said water district is hereby authorized to lay in and through the streets and highways in said district, 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, etc., in streets, etc.

—shall not unnecessarily obstruct public travel.

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,

May exercise eminent domain.

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or any other interest in real estate which may be required for the carrying out of the purposes of this corporation.

Board of trustees.

—how chosen.

—tenure of trustees.

—successors, how chosen.

—annual meeting.

—trustees shall elect clerk, etc.

Compensation of trustees.

Water district may adopt by-laws, etc.

May issue bonds.

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 fourteen; one to serve until the year nineteen hundred and fifteen, and one to serve until the year nineteen hundred and sixteen. Whenever the term of office of a trustee shall expire, the legal voters of said water district shall elect a successor to serve 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.

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.

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 affairs 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 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.

Section 7. For accomplishing the purposes of this act said water district, through its trustees, is authorized to issue the 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 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. The said bonds shall be a legal investment for savings banks.

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—bonds shall be a legal obligation.

Section 8. The Temple 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 therein as rendered by the assessors of said town of Temple.

May raise money for expenses, water and fire protection.

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:

Rates shall be uniform.

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

Running expenses.

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

Interest.

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

Sinking fund.

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 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 thirteen, and the selectmen of the town of Temple 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

Act to take effect when accepted by vote.

—selectmen authorized to call meeting.

CHAP. 159 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.

Form of question to be submitted.

The town clerk shall reduce the subject matter of this act to the following question: Shall the act to incorporate the Temple 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 Temple, and due certificate thereof filed by the town clerk with the secretary of state.

—result shall be filed with secretary of state.

Approved March 25, 1913.

Chapter 159.

An Act to Authorize the Town of Boothbay Harbor to Retire Its Bonded Indebtedness and Issue New Bonds.

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

Town authorized to retire its bonded indebtedness.

Section 1. The town of Boothbay Harbor is hereby authorized to retire its bonded indebtedness or any part thereof, by purchase or exchange, at the maturity thereof in such form and amount, and with such rates of interest, and payable at such times and in such manner as shall be determined by vote of said town, under a proper article in the warrant at a legal town meeting; provided, however, that nothing herein contained shall authorize any increase in the indebtedness of said town.

—indebtedness shall not be increased.

Section 2. To carry into effect the provisions of this act, said town is hereby authorized to pass such votes as may be deemed necessary and proper to enter into and make any contract or agreement not inconsistent with the laws of this state.

Town may pass votes and make contracts.

Approved March 25, 1913.

Chapter 160.

An Act to Prohibit Lobster Pot Fishing in the York River.

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

Close time for lobsters.

Section 1. It shall be unlawful for any person to fish for lobsters with a lobster pot in York river for the period of four years.

Penalty for violation of this act.

Section 2. Any person taking lobsters contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, or by both.

Approved March 25, 1913.