

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Seventh
Legislature

1915

CHAP. 166

ing question: "Shall the act to incorporate the Southwest Harbor Water District be accepted?" and the voters shall indicate by the words "yes" or "no" their opinion of the same. The result shall be declared by the selectmen and due certificate filed by the town clerk with the Secretary of State.

—may be again voted upon in case it is rejected.

In case this act is not approved by a majority vote of the legal voters of said Southwest Harbor Water District at its first meeting on the third Monday in August, nineteen hundred fifteen, it may be approved at any subsequent meeting held on the third Monday in August, nineteen hundred sixteen, by a majority of the voters in said water district said subsequent meeting to be called, advertised, and conducted in the same manner as the meeting on the third Monday in August, nineteen hundred fifteen.

—certain sections may be null and void, when.

Section 18. Sections two, three, four, five, six, seven and eight 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 in this act provided, the plant, properties and franchises, rights and privileges of the Southwest Harbor Water Company.

—act shall take effect.

Section 19. This act shall take effect in ninety days after the final adjournment of the Legislature, so far as necessary to empower the calling and holding of the elections authorized in section sixteen herein provided for.

Approved March 31, 1915.

Chapter 166.

An Act Authorizing the Towns of Mexico and Rumford in the County of Oxford to Purchase the Toll Bridge between Said Towns, Erected and Owned by the Mexico Bridge Company.

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

Territory and people included in corporation.

Section 1. The following territory and the people within the same, namely: that part of the town of Rumford described and known as the Rumford Falls Village Corporation and such additions as may be made to it from time to time and that part of the town of Mexico herein designated, to wit., commencing at a point on the Androscoggin river where Swift river empties into the same on the dividing line between Rumford and Mexico; thence up the river by the dividing line between Rumford and Mexico on the westerly bank of Swift river on the Mexico side to a point on the westerly bank of Swift river directly opposite the northerly line of land formerly owned by H. W. Park and now owned by Frank Beaudett; thence at about right angles

by said northerly line of said land formerly owned by said Park and now owned by said Beaudett and Roxbury road, so-called, to the westerly limits of the Thompson Hill road, so-called; thence up the hill by the northerly limits of said Thompson Hill road to a point within twenty feet of the place where the pipe line of the Mexico Water Company crosses this Thompson Hill road; thence up the hill in a line twenty feet northerly of said pipe line to a point on the westerly side of said Thompson Hill road directly opposite the northerly or easterly end of the dam of the Mexico Water Company which forms its first reservoir; thence up the hill by the northerly or westerly limits of the Thompson Hill road to the turn in the road by the Frazier farm, so-called; thence by the northerly or westerly limits of said Thompson Hill road up the hill to the Ladd farm, so-called; thence in an easterly course to the old Joel Babb dwelling house; thence in a direct course in an easterly or southerly direction to the easterly line of the Haines farm, so called, formerly the Daniel Austin farm; thence by the easterly side line of the highway that leads from the aforesaid Lyman Haines farm to the southerly side of the river road leading from Mexico to Dixfield at a point nearly opposite the George Welch residence; thence southerly by the southerly side line of said Mexico and Dixfield highway to the bank of the Androscoggin river; thence up said river by the bank of the same, via the toll bridge and Mexico Corner, so-called, to the point begun at, also including that part of the Frazier farm now owned by the Mexico Water Company, together with all other land owned by said company, for the purpose of protecting its water shed and preserving the purity of its water supply, shall constitute a public municipal corporation under the name of the Rumford and Mexico Bridge District, for the purpose of acquiring the toll bridge, approaches and toll house, together with all franchises belonging to the same, owned by the Mexico Bridge Company, and extending from the town of Mexico across the Androscoggin river to the town of Rumford at the point near the Ridlonville post office, subject, however, to the provisions of section thirteen herein.

—corpor-
ate name.
purposes.

Section 2. In exercising any right of eminent domain conferred upon said district by law from time to time, or any right of eminent domain through or under the franchises of said Mexico Bridge Company acquired by virtue of this act, said district shall file in the office of the county commissioners of Oxford county, and record in the registry of deeds in said county, a brief description of such bridge, approaches, toll house and property to be so taken and the names of the owners there-

Filing of
description
of said
bridge, ap-
proaches,
etc.

CHAP. 166 of so far as known, and on the filing of said description and names, said bridge, approaches and toll house shall be deemed to be taken under the right of eminent domain, but title thereto shall not vest in said district until payment therefor.

Agree-
ment upon
terms of
purchase.

Section 3. If said bridge company and said district shall not mutually agree upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county where said bridge, approaches and toll house are situated, may have damages assessed by them. The procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are, or may be by law prescribed in the case of damages by the laying out of highways.

Manage-
ment of
bridge dis-
trict shall
be vested
in board
of trustees.

Section 4. All the affairs of said bridge district shall be managed by a board of trustees composed of three members, two to be chosen by the assessors of the Rumford Falls Village Corporation and one by the municipal officers of Mexico. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting 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 and one for three 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 three 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 affairs of the district. The term of office of said trustees first chosen shall be considered to date from the first Monday of April in the year of our Lord nineteen hundred fifteen. Said trustees shall serve without compensation and at the close of each fiscal year shall make a detailed report of their doings, of the receipts and expenditures of said bridge district, of its financial and physical conditions and such other matters and things pertaining to said district as shall show the inhabitants of said district how said trustees are fulfilling the duties and obligations of their trust.

-tenure of
office.

-powers
and duties.

-shall
serve with-
out pay.

-may pur-
chase prop-
erty of the
Mexico
Bridge
Company.

Section 5. Said bridge 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 bridge district for said purpose, the toll bridge, approaches

and toll house, together with all franchises belonging to the same, owned by the Mexico Bridge Company, extending from the town of Mexico across the Androscoggin river to the town of Rumford from a point near the Ridlonville post office. Said Mexico Bridge Company is hereby authorized to sell and transfer all its franchises and property to said Rumford and Mexico Bridge District. CHAP. 166

Section 6. In case said trustees fail to agree with the aforesaid Mexico Bridge Company upon terms of purchase, on or before September fifteenth, nineteen hundred fifteen then said bridge district, through its trustees, is hereby authorized to take the toll bridge, approaches, toll house and franchises of the aforesaid company as authorized in section five as for public uses, by petition therefor to the county commissioners of Oxford county wherein said company and its mortgagees shall be the parties defendant. Such petition shall not be dismissed after filing but may and shall be amended in any manner required to enable the court to make all necessary decrees thereon. The county commissioners of Oxford county shall, after due notice and hearing, fix the valuation of said toll bridge, approaches, toll house and franchises of said defendant company at what they are fairly and equitably worth. The first day of July, nineteen hundred fifteen, shall be the day on which the valuation aforesaid shall be fixed, from which day interest on said award at the rate of six per cent. per annum shall run and all net profits accruing thereafter shall belong to said bridge district. The report of the commissioners of Oxford county shall be filed in the clerk's office for the county of Oxford within three months after their hearing and determination. After said report is so filed, any single justice of the Supreme Judicial court, either in term time or vacation, after notice and hearing, may confirm or reject said report or recommit it, if justice so requires. The award of the county commissioners, or committee in case of an appeal, shall be conclusive as to valuations. Upon conformation of their report the court so sitting, either in term time or in vacation, shall thereupon, after hearing, make a final decree upon the whole matter including the transfer of the property and franchises, jurisdiction of which is hereby conferred with the same power to enforce said decree as in equity cases. All the costs and expenses arising out of said petition and appraisal shall be paid and borne as directed by the court in said final decree. The findings of such justice as to such costs and their apportionment shall be final.

—may take property of Mexico Bridge Company.

—county commissioners shall fix valuation.

—filing of report.

—final decree of court.

—payment of costs.

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Bridge district may borrow money and issue notes.

Section 7. For accomplishing the purposes of this act, said bridge district, through its trustees, is authorized to borrow money temporarily and to issue therefor the interest-bearing negotiable notes of the district and for the purpose of paying or refunding the indebtedness so created, of paying any necessary expenses and liabilities, incurred under the provisions of this act, including the expenses incurred in the creation of the district, in acquiring the properties and franchises of the Mexico Bridge Company by purchase or otherwise and making additions and improvements to the same, the said bridge district, through its trustees, may from time to time issue bonds of the district to an amount or amounts necessary in the judgment of the trustees therefor. Said notes and bonds shall be legal obligations of the bridge 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 notes and bonds shall be legal investments for savings banks.

—property exempt from taxation.

Section 8. The property of said district shall be exempt from all taxation in the town or towns where said bridge district is located.

Toll rates to be established by trustees.

Section 9. Said bridge district is hereby authorized to operate and maintain said bridge as a toll bridge and to collect tolls at a rate not exceeding the rate authorized in the charter of the Mexico Bridge Company. 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 the use of said bridge. Said rates shall be so established as to provide revenue for the following purpose:

—to pay current expenses.

1. To pay the current expenses for operating and maintaining said bridge.

—payment of interest.

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

—sinking fund.

3. To provide each year a sum equal to not less than seven and a half per cent. nor more than ten per cent. of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be invested in such securities as savings banks are allowed to hold and when such sum shall equal the total indebtedness of said bridge district, the trustees shall forthwith declare said bridge a free bridge and shall petition the county commissioners of Oxford county to locate a legal highway across the same and its approaches, and the same shall then be

—investment of sinking fund.

deemed a public highway. Said bridge shall not be continued as a toll bridge later than ten years from January first, nineteen hundred sixteen and shall be made a free bridge on or before that date by said district. Nothing in this act shall be construed to prevent the State of Maine, the county of Oxford or the towns of Rumford and Mexico from paying the indebtedness of said bridge district for the purpose of making said bridge a free bridge, at any time, provided all bonds or other indebtedness of the district are paid and cancelled.

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—bridge may become a free bridge.

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

—granting of incidental rights.

Section 11. The Mexico Bridge Company shall on or before May first, nineteen hundred fifteen, furnish to the municipal officers of the town of Mexico and the assessors of the Rumford Falls Village Corporation, or their attorneys a full and accurate statement of the original cost of construction of said bridge, approaches and toll house, giving in detail the cost of both the superstructure of said bridge, its piers and all things pertaining thereto, as well as the cost of foundation. Said company shall also furnish to said municipal officers or their attorneys an accurate and detailed report of the gross earnings of said bridge each year to January first, nineteen hundred fifteen, and shall present for the examination of said municipal officers or their attorneys all the books and papers of said company in explanation and support of said statement above required, the same to cover all time from the commencement of work on said bridge to January first, nineteen hundred fifteen, and be as full and complete as the books, papers and knowledge of said company will permit.

—shall furnish statement to municipal officers.

—report of GROSS earnings.

Section 12. This act shall take effect when approved by a majority vote of the legal voters of that portion of said bridge district comprised by the Rumford Falls Village Corporation, and by a majority vote of the legal voters of that portion of said bridge district comprised by that part of the town of Mexico designated in section one, at special meetings respectively in the Mexico section and in the Rumford Falls Village section of said bridge district, to be held on the fourth Monday of August in the year of our Lord one thousand nine hundred fifteen. Said special meetings shall be called respectively by the selectmen of the town of Mexico and the assessors of the Rumford Falls Village Corporation, and shall be called, warned and conducted according to the law relating to municipal elections, provided, however, that the assessors of said Rumford Falls Village Corporation shall not be required to prepare for posting

Act, when to take effect.

—calling of special meeting.

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—registration of voters.

—question to be voted upon.

—filing of the certificate of result of the balloting.

Should one town refuse to approve act, provisions for.

and the clerk of said town of Mexico and the clerk of said Rumford Falls Village Corporation shall not be required to post new lists of voters, but the selectmen of the town of Mexico shall prepare a list of the legal voters residing within the limits of that part of Mexico, included within said bridge district and described in section one. For the purpose of registration of voters, said board of assessors of the Rumford Falls Village Corporation and the selectmen of the town of Mexico shall be in session at their respective offices the secular day next preceding said special election. The clerk of the Rumford Falls Village Corporation and the clerk of the town of Mexico shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Rumford and Mexico Bridge District be accepted?" and the voters shall indicate by a cross placed over the words "yes" or "no" their opinion of the same. The result of the balloting in each case shall be respectively declared by the assessors of said Rumford Falls Village Corporation and the selectmen of the town of Mexico, and certificates thereof shall be filed by the clerk of said Rumford Falls Village Corporation and the clerk of said town of Mexico with the Secretary of State.

Section 13. Should the legal voters of the Rumford Falls Village Corporation section of said bridge district at such special election refuse to approve the act incorporating said bridge district, then the territory within said Rumford Falls Village Corporation and the people within the same shall not become a portion of said bridge district, but if that portion of said town of Mexico described in section one of said bridge district, shall approve said act to incorporate said bridge district by a majority of the legal voters at said special election then that portion of said town of Mexico described in section one together with the inhabitants thereof shall constitute the bridge district hereby created and shall be empowered with all the rights, privileges and franchises conferred by this act, and shall be authorized to proceed in all acts, matters and things necessary to carry out the purposes of this act as if it applied from its inception only to that portion of the town of Mexico described in section one of this act together with the people within the same, and the refusal to approve this act upon the part of the Rumford Falls Village Corporation section aforesaid, shall in no sense defeat the purposes of this act. As early as may be after said special election, the municipal officers of said town of Mexico and the assessors of said Rumford Falls Village Corporation, if said act has been approved by both the Mexico section and the Rumford Falls Village Corporation section of said bridge district,

shall respectively meet and choose their respective members of the board of trustees for said bridge district as provided in section four, but if said act shall not be approved by the Rumford Falls Village Corporation section of said bridge district and shall be approved by the Mexico section, then the municipal officers of said town of Mexico shall as soon as may be thereafter meet and choose three members, who shall constitute the board of trustees for said bridge district.

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—first meeting of municipal officers for organization.

Section 14. Upon payment or tender by said district of the amount of the final award or valuation of said bridge to be made up to July first, nineteen hundred fifteen, the Mexico Bridge Company shall transfer and deliver a full and valid title to said bridge and all its appurtenances to said district free and clear of all liens or claims of every name and nature, including all its franchises.

Changing of title to bridge.

Approved March 31, 1915.

Chapter 167.

An Act to Extend and Enlarge the Powers of the Limerick Water and Electric Company.

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

The Limerick Water and Electric Company, a corporation created and existing by virtue of chapter one hundred fifty-nine of the Private and Special Laws of nineteen hundred seven and acts amendatory thereof and additional thereto, is hereby authorized and empowered to acquire by purchase, lease, merger or consolidation, and to exercise and enjoy after such purchase, lease, merger or consolidation, all of the rights, privileges, franchises and property of the Hiram Water, Light and Power Company and of any persons, firms or corporations engaged, or authorized to engage in the business of generating, selling or distributing gas or electricity for lighting, heating and power purposes in any of the towns named in its said act of incorporation and acts amendatory thereof and additional thereto, upon such terms and conditions as may be agreed upon by the said Limerick Water and Electric Company and the said Hiram Water, Light and Power Company or such persons, firms and corporations; and said corporations, persons and firms are hereby authorized and empowered to lease, sell and convey their respective properties to the said Limerick Water and Electric Company or to merge or consolidate with the said company, provided that any such lease, sale, conveyance, merger or con-

May purchase rights, privileges, franchises, etc., of the Hiram Water, Light & Power Company.