

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

1 9 1 5

<u>CHAP. 197</u>	For per diem and actual traveling expenses of the trustees of normal schools and training schools, as provided by chapter sixty-five, Public Laws of nineteen hundred five, one thousand five hundred dollars	1,500 00
	For actual traveling expenses of the trustees of the University of Maine, as provided by chapter one hundred ninety-four, Public Laws of nineteen hundred eleven, four hundred dollars	400 00

MISCELLANEOUS.

For property exempt from taxation, as provided by chapter nine, section six, Revised Statutes, two thousand dollars	2,000 00
For town of Old Orchard for public improvements, as provided by chapter three hundred thirty-eight, Resolves of nineteen hundred nine, three thousand dollars	3,000 00
For inquests and incidental expenses, as provided by chapter one hundred forty, section eleven, Revised Statutes, as amended by chapters one hundred eighty-five, and one hundred eighty-nine, Public Laws of nineteen hundred nine, one thousand five hundred dollars	1,500 00

Amounting to the sum of two million six hundred fifty-nine thousand eight hundred sixty-eight dollars and twenty-two cents.....\$2,659,868 22

Emergency clause.

Section 2. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 2, 1915.

Chapter 197.

An Act to Incorporate the Bath Water District.

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

Bath Water District incorporated.

Section 1. The following territory and the people within the same, all being included within the corporate limits of the city of Bath, namely: Wards one, two, three, four, five, six, and so much of ward seven as lies southerly of Whiskeag street and southerly of the road connecting with said street which extends westerly from Whiskeag stream to the Brunswick east line, shall

constitute a body politic and corporate under the name of the Bath Water District, for the purpose of supplying the inhabitants of said district and municipality and of the adjoining towns of West Bath, Phippsburg and Woolwich, with pure water for domestic, sanitary, mechanical and municipal purposes.

Section 2. Said district is hereby authorized for the purposes aforesaid to take, hold, divert, use and distribute sufficient water from any sources of supply within the county of Sagadahoc or within the territory of the town of Brunswick in the county of Cumberland; provided that no **underground** waters shall be taken within a radius of two miles from the present pumping station of the Brunswick and Topsham Water District.

Section 3. The said district, for the purposes of its incorporation is hereby authorized to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes, and to take and hold, as for public uses, by purchase or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water sheds, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water, and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

Section 4. If any person sustaining damages by any taking as aforesaid, shall not agree with said water district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county where said lands or water rights are situated, may have said 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.

Section 5. Said district is hereby authorized to lay in and through the streets, roads, ways and roadway of the city of Bath and the towns of West Bath, Phippsburg, Brunswick and Woolwich, and across private lands therein, and to maintain, repair and replace, all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway, it shall cause the same to be done with

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—purposes.

—may obtain water from any source of supply.

—exception.

—may erect and maintain dams, reservoirs, etc.

—damages may be assessed by county commissioners.

—may lay pipe lines, aqueducts, etc.

CHAP. 197 as little obstruction as practicable 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.

Section 6. In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing within thirty days after such consent is requested by said district, the Public Utilities Commission shall determine the place, manner and condition of such crossing; and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of said railroad company, but at the expense of said district.

Section 7. All the affairs of said water district shall be managed by a board of trustees composed of three members, to be chosen by the municipal officers of Bath, within thirty days after the acceptance of this act by the inhabitants of said water district as hereinafter provided; but no member of the city council shall, during the term for which he is elected, be chosen one of said board of trustees. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting in the city building in Bath, 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 first said 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 the trustees shall begin on the first Monday of November in the year one thousand nine hundred fifteen. Said trustees may procure an office and incur such expense as may be necessary. Each member shall receive in full compensation for his services an allowance of two hundred dollars per annum.

Section 8. 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 district for said purpose, the entire plant, property and franchises, rights and privileges now held by the Maine Water

Public Utilities Commission may grant permission for crossing of a railroad.

Board of trustees shall manage said district. —how chosen.

—organization of board.

—tenure of office.

—vacancy, how filled.

—may make by-laws.

—compensation.

Authorized to purchase plant property and franchises of the Maine Water Company.

Company within the county of Sagadahoc and within the town of Brunswick in the county of Cumberland, now used or held by it for the purpose of supplying water to the city of Bath, and including all other lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances in said territory, owned by said company and used or usable in supplying water therein, and any other real estate in said territory.

Section 9. In case said trustees fail to agree with said Maine Water Company upon the terms of purchase of the above mentioned rights and properties on or before the thirty-first day of December, in the year nineteen hundred fifteen, said water district through its trustees is hereby authorized and empowered to take such plant, property and franchises for public uses by petition therefor in the manner hereinafter provided. The said water district through its trustees is hereby authorized, on or before the first day of February, nineteen hundred sixteen, to file a petition in the clerk's office of the Supreme Judicial court for the county of Sagadahoc, in term time or in vacation, addressed to any justice of said court, who, after notice to said Maine Water Company and its mortgagees, if any, 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 Sagadahoc, or of the town of Brunswick in the county of Cumberland, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant or plants, property and franchises as described in section eight hereof. Said 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. At the hearing aforesaid, such justice, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, of all books and papers pertinent to the issue and necessary for a full understanding of the matter to be heard by said appraisers, the terms and conditions of so producing and filing such books and papers to be determined by said justice in his order therefor and to be enforced from time to time as any justice of the Supreme Judicial court, in term time or in vacation, upon motion of either party, may deem reasonable and proper in the premises. At such hearing, such justice upon motion of the petitioner, may fix a time at which the said water company shall file in the clerk's office of the Supreme Judicial court for the county of Sagadahoc, for the inspection of the

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Terms of purchase, how ascertained, when parties fail to agree.

—appointment of appraisers.

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Schedules, contracts, statements, etc., may be filed.

petitioner, the following: First, schedules showing the names, residences and water service of all customers on the first day of January in the year nineteen hundred sixteen, with the rate charged therefor; second, copies of all contracts in force on said first day of January; third, an itemized statement of the gross income earned during its last complete fiscal year and up to said January first, and all operating expenses and fixed charges, paid or incurred during such period and properly chargeable thereto; fourth, a memorandum of all real estate, water rights, or interests therein, owned or controlled on said first day of January, with such brief description thereof as will reasonably identify the same; fifth, brief descriptions, specifications and plans of all reservoirs, mains, pipes, service pipes, hydrants, gates, gate boxes, shut-off boxes, fixtures and machinery and all the physical elements in such water system, giving in detail quantities, sizes, lengths, and specifying the streets, roads or ways where situated; sixth, an itemized list of all tools, apparatus, appliances and supplies used or usable in supplying water on said first day of January. Such orders may be enforced from time to time by any justice of said Supreme Judicial court, in term time or in vacation, upon motion of either party, as such justice may deem reasonable and proper in the premises. At such hearing the justice then sitting may, upon motion of the petitioner, make all such decrees as he deems reasonable and proper to enable the petitioner, through its servants and employees, to ascertain the true condition of the mains and pipes of the said water company, externally or internally, in the presence of the officers or agents of said water company, the entire expense thereof to be borne by said water district. The said appraisers shall have the power of compelling attendance of witnesses and the production of all books, accounts and papers pertinent to the issue and necessary for a full understanding by them of the matter in question and may administer oaths; and any witness or person in charge of such books, accounts and 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. Depositions may be taken as in civil actions. The appraisers so appointed shall, after notice and hearing, fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that said water company shall receive just compensation for all the same. The first day of January, nineteen hundred sixteen, shall be the date as of which the valuation aforesaid shall be fixed, from which date interest on

—appraisers may compel witnesses, etc.

—fix valuation.

said award shall run, and all rents and profits accruing there-
after shall belong to said water district. The report of said
appraisers or a majority of them shall be filed in said clerk's
office in term time or in vacation, within six months after their
appointment, but a further time, not exceeding four months,
shall be granted for good cause upon motion of either party, by
any justice of the Supreme Judicial court within which said
appraisers shall file their report, 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, con-
firm or reject the same, or recommit it or submit the subject
matter thereof to a new board of appraisers, if justice shall
require, and in case of such rejection, recommitment or resubmis-
sion such justice may fix the times for new hearings and new
report thereon. The award of the appraisers shall be conclu-
sive as to valuation. 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 property and
franchises, jurisdiction over which is hereby conferred with
the same power to enforce a 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 ex-
ceptions to any rulings of law so made, the same to be accom-
panied 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 shall be
given by the clerk to the parties or their counsel, and said ex-
ceptions so claimed shall be made up, allowed and filed within
said time unless further time is granted by the court or by
agreement of the parties. They shall be entered at the
next term of the law court held after the filing of
such exceptions 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 opin-
ion of the law court. On payment or tender by said district of

—final
decree.

—excep-
tions may
be taken.

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the amount so fixed and the performance of all terms and conditions so imposed by said 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 or assumed by the said Maine Water Company and its predecessors, and either party shall be entitled to appropriate process to compel the other to perform the terms and conditions of said decree. All the costs and expenses arising under said petition and appraisal shall be borne and paid by said water district and said water company equally. Any vacancy occurring in said board of appraisers shall be filled, in term time or in vacation, by any justice of the Supreme Judicial court on petition therefor, after notice and hearing.

—payment
of costs.

Bath Water
District
shall carry
out all
valid con-
tracts.

Section 10. All valid contracts now existing between the Maine Water Company and any persons or corporations for supplying water within said district shall be assumed and carried out by said Bath Water District.

Water
rates es-
tablished.

Section 11. 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 district. Said rates shall be so established as to provide revenue for the following:

—current
expenses.

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

—interest.

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

—sinking
fund.

III. To provide each year a sum equal to not less than one nor more than four 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 obligations of the district or invested in such securities as savings banks are allowed to hold.

—may issue
bonds.

Section 12. 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 Maine Water Company, and the purchase thereof, and for further extensions, additions and improvements of said plant, and to secure new sources of supply. 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.

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Section 13. The property of said district shall be exempt from taxation. 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.

—property exempt from taxation.

Section 14. This act shall take effect when approved by a majority vote of the legal voters within said district voting at an election to be specially called and held for the purpose on the

Shall be approved by voters.

second Monday of September, nineteen hundred fifteen. The board of registration shall make and provide a separate check list for such of the voters within said district as are then legal voters of said city and all warrants issued to said city shall be varied accordingly to show that only such voters therein are entitled to vote hereon. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration shall not be required to prepare or the city 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 correctness of said lists and to complete and close up its records of said sessions. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Bath Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the mayor and aldermen and due certificate thereof filed by the city clerk with the Secretary of State.

—provisions for calling meeting of voters.

Questions to be voted upon.

—filing of certificate.

Section 15. Sections two, three, four, five and six 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 in this act provided, the plant, property and franchise, rights and privileges now held by the Maine Water Company within said county of Sagadahoc and town of Brunswick.

Certain sections may be null and void.

Section 16. This act shall take effect in ninety days after the adjournment of the Legislature, so far as it is necessary to empower the calling and holding of the election authorized by section fourteen herein provided.

—take effect.

Approved April 2, 1915.