

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

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—records
opened to
inspection.

—may es-
tablish
by-laws.

—first
meeting.

Member
may dis-
continue
member-
ship.

—member-
ship at
death
trans-
ferable
to heirs.

—under su-
pervision of
Bank Com-
missioner.

—respon-
sibility of
stock-
holders.

Section 9. The records, books of account and securities of the corporation shall at all times be open to the inspection of the stockholders.

Section 10. Said corporation may establish by-laws and regulations not inconsistent with this act or the general laws of the State.

Section 11. The first meeting for the purpose of accepting this act and organization hereunder may be called by any two of the corporators by notice thereof in writing served upon all of the others then living in hand or mailed to them at their last known residences not less than seven days before the date thereof; or such meeting may be held without said notice in writing if all the corporators then living are present thereat.

Section 12. If a member discontinue his monthly payments before obtaining his loan from the corporation, the amount of his deposits shall be paid back to him with interest at four per cent. per annum.

Section 13. At the death of a member, his heirs, executors, administrators or assigns may continue the payments or withdraw the amount of the deposits of said deceased member with interest at four per cent. per annum.

Section 14. The business of this corporation to be subject to the supervision of the Bank Commissioner; with all the powers given with respect to examinations and supervision of savings banks and trust companies.

Section 15. Each stockholder of the corporation shall be individually responsible, equally and ratably, and not one for the other, for all contracts, debts, and engagements of such corporation, to a sum equal to the amount of the par value of the shares owned by each in addition to the amount invested in said shares.

Approved April 2, 1915.

Chapter 199.

An Act to Incorporate the Hartland Water District.

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

—Hartland
Water Dis-
trict incor-
porated.

—purpose.

Section 1. The territory of the town of Hartland in the county of Somerset and the inhabitants thereof are hereby constituted a body politic and corporate under the name of the Hartland Water District for the purpose of supplying the inhabitants of said municipality with pure water for domestic, sanitary and municipal purposes.

Section 2. Said water district is hereby authorized and empowered to acquire by purchase the entire system, property, rights, privileges and franchises now held by the Hartland Water Company within the limits of said district used by the said Hartland Water Company in supplying water to the said town of Hartland, including lands, waters, water rights, dams, reservoirs, pipes, machinery, hydrants, tools, appliances and apparatus owned by said water company, which is hereby authorized to sell and transfer its said franchises and property to said Hartland Water District.

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Authorized
to purchase
system of
the Hart-
land Water
Company.

Section 3. Said water district is hereby authorized to take over all the rights and privileges granted to the said Hartland Water Company in Moose pond, in said Hartland, and its tributary waters except Perry pond, so-called, situated in the town of Harmony, in said county of Somerset, together with all said water company's rights of flowage, rights of way, and rights of maintenance of said water company's system. And for the further and future extension of said system said water district is hereby authorized to take and hold as for public uses and for the purposes of its incorporation, any land or interest therein for the laying and maintenance of its pipes, lines, hydrants, fixtures and all appliances and appurtenances necessary and incident to the purposes of this charter.

Source of
water
supply.

—may take
land neces-
sary.

Section 4. Said water district shall be liable for all damages that shall be sustained by any person or corporation in his, or its property by the taking of any land whatsoever, or water, or by flowage, or by excavating through any lands for the purpose of constructing dams, laying pipes, constructing reservoirs, or any other purposes of this charter. If any person, or corporation, sustaining damage as aforesaid, and said water district cannot agree upon the sum to be paid therefor, such person or corporation may cause his damage 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.

—liable for
damages.

—damages,
how ascer-
tained.

Section 5. Said water district is hereby authorized to lay in and through the streets, roads, ways and highways thereof, of the towns of Hartland, Palmyra and St. Albans, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the objects set forth herein. And whenever said water district shall lay any pipes in the streets, roads, ways or highways, it shall cause the same to be done with as

—may lay
pipe lines,
etc.

CHAP. 199 little obstruction as possible to the public travel, and shall at its own expense and without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper and suitable condition.

—crossing of a railroad determined by Public Utilities Commission.

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 water district, the Public Utilities Commission shall determine the place, manner and conditions of all such crossings, and all work done within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company but at the expense of said water district.

Board of trustees shall manage affairs.

Section 6. All the affairs of said water district shall be managed by a board of trustees consisting of three members to be elected by a plurality vote of the legal voters within said water district at an election to be specially called and held therefor within one year after the approval of this act, by the legal voters of said water district. Such special meeting shall be called, held, and conducted according to the law relating to municipal elections in said town of Hartland. The result of said election shall be declared by the municipal officers and a due certificate thereof filed with the town clerk thereof. All records of the meetings and other business of said water district shall be kept by the town clerk of said Hartland, who shall be clerk of said water district by virtue of his office as clerk of said town. The term of office of said trustees shall begin on the first Monday of July, of the year after the approval of this act by said water district. As soon as convenient after the members of said board have been chosen said trustees shall hold a meeting at some convenient place in said town of Hartland, and organize by the election of a president, adopt a corporate seal, and when necessary may choose a treasurer, and all other necessary and needful officers and agents for the proper conduct and management of the affairs of said water district. The treasurer of said town shall be eligible to election as treasurer of said water district, but the assessors of said town shall not be eligible to election as trustees thereof.

—how elected.

—calling of special meeting.

Organization of board of trustees.

—tenure of office of trustees.

At the first meeting of said trustees 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 his successor shall be elected by a plurality vote of the legal voters of said water district for the term of three years; and in case any vacancy

arises it shall be filled for the remainder of the year by appointment by the members of the board of trustees, and at the next regular meeting of the water district the vacancy shall be filled for the remainder of the term in the manner hereinbefore provided. The officers of said water district shall receive such compensation for their services as said water district shall from time to time determine. Said trustees may ordain and adopt such by-laws and regulations as are necessary for their own convenience and for the proper management of the affairs of said water district.

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—compensation of officers.

—trustees may adopt by-laws.

At the close of each fiscal year the said trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical conditions, and of such other matters and things pertaining to the affairs of said water district as shall show to the inhabitants of said water district, the full and true standing of its conditions and how said officers of said water district are fulfilling the duties and obligations of their trust. Said report shall be either written or printed for distribution to the inhabitants of said water district. The books and accounts pertaining to the receipts and expenditures of money shall be audited by the auditor of the town of Hartland.

—annual report of trustees.

—accounts shall be credited.

Section 7. In case said board of trustees shall fail to agree with said Hartland Water Company upon the terms of purchase of aforesaid rights and properties, said water district through its trustees is hereby authorized and empowered to take such plant, properties, privileges and franchises, for public uses by petition therefor in the manner hereinafter provided. The said water district through its said trustees is hereby authorized to file a petition in the clerk's office of the Supreme Judicial court for the county of Somerset, in term time or vacation, addressed to any justice of said court, who after notice to said Hartland 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 said county of Somerset, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property, privileges and franchises. 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 decrees necessary therein. At the hearing, said appraisers shall have the power of compelling the attendance of witnesses and the production of all books, accounts and papers pertinent to the issue and necessary for a full understanding of the matters in question, and they

Procedure if parties fail to agree.

—petition to court.

—appointment of appraisers.

—powers of the appraisers at hearing.

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—witnesses.

may administer oaths. And any witness or other 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.

—appraisers shall fix valuation.

The appraisers so appointed shall, after due notice and hearing, fix the valuation of said plant, property, privileges and franchises at what they are fairly and equitably worth, so that said Hartland Water Company shall receive just compensation for the same. The date of filing of said petition 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 profits and rents accruing to said Hartland Water Company 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 he is unable 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 said appraisers shall be conclusive as to valuations. Upon 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.

—final decree of court.

—separate findings of law.

—either party may take exceptions.

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 ruling 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.

—action of court toward exceptions.

Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof given by the clerk to the parties or their counsel and said exceptions 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 for good cause shall order a fur-

ther 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 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, privileges, and franchises are transferred in accordance with such final decree, and before payment therefor, the court sitting in said county of Somerset, 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 probably had or incurred by the Hartland Water Company, belonging to the period from and after the date of filing said petition, and all the net rents and profits accruing thereafter; and shall order the net balance due either party to be added to or deducted from the amount to be paid under the final decree aforesaid as the case may be. All findings of law or fact by said single justice shall be final.

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—accounts
of receipts
and ex-
penditures
during
pending of
case at law.

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, privileges and franchises shall become vested in said water district, and be free from all mortgages, incumbrances theretofore created by said Hartland Water Company; and either party shall be entitled to appropriate process to compel the other to perform the terms and conditions of said decree.

—final
settlement,
with
transfer
of rights,
privileges,
etc.

Section 8. All valid contracts now existing between the Hartland Water Company and any persons or corporations for supplying water, and all duties imposed by law on said water company, shall be assumed and carried out by said water district after it has acquired the property of said Hartland Water Company.

—valid
contracts
assumed
by water
district.

Section 9. The property of said water district shall be exempt from all taxation in the town, towns, or municipalities where the same may be located.

—exempt
from taxes.

Section 10. For accomplishing the purposes of this act, said water district, through its trustees, is authorized to borrow money temporarily and to issue therefor the interest bearing negotiable notes of the water district and for the purpose of paying or refunding the indebtedness so created or paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in creation of the

—may
borrow
money and
issue notes
or bonds.

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said water district in acquiring the property, plant, privileges and franchises of the said water company by purchase or otherwise, or in the purchase or acquisition of the property, plant, privileges, and franchises of said water company, of securing sources of supply, improvement of the system, and such extensions and additions as the necessities of the water district may require. Said notes or bonds shall be legal obligations of said water district, which is hereby declared to be a quasi-municipal corporation within the meaning of section ninety-six of chapter forty-seven of the Revised Statutes, and all the provisions of said section applicable thereto. The said notes or bonds shall be a legal investment for savings banks.

—notes or
bonds legal
investment
for savings
banks.

Uniform
rates
shall be
established.

Section 11. 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 said water district. Said rates shall be so established as to provide revenue for the following purposes, to wit:

—running
expenses.

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

—interest.

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

—sinking
fund.

3. To provide each year a sum equal to not less than one-half of one per cent. nor more than five per cent. of the entire indebtedness of said water district, which sum shall be turned into a sinking fund providing for the final extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of said water district or invested in such securities as savings banks are allowed to hold.

—surplus or
deficit, how
dealt with.

4. If in any year there remains a surplus at the end of the year, the amount of such surplus shall be paid to the town of Hartland and if 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.

—assess-
ment, how
made.

All money raised by said water district for the purposes aforesaid shall be assessed upon the property and polls within the aforesaid territory, by the trustees of said water district, in the same manner as is provided by law for the assessment of county and town taxes, the tax on polls not to exceed, at any one assessment, the sum of one dollar to any one person in any one year. 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 purposes aforesaid, it shall be the duty of said trustees, as soon as may be, to assess said amount upon the estate and polls of persons residing within the territory of said water district, 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 the water district shall have the power to direct the mode of collection of said taxes as towns have in the collection of town taxes.

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—collection
of assess-
ment.

Section 12. 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, etc.,
granted.

Section 13. 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 that purpose at any time within one year after this act takes legal effect. Such special meeting shall be called by the selectmen of Hartland, advertised and conducted according to the law relating to town meetings in Hartland; and special meetings of said water district shall be called at any time upon written application made to the selectmen of Hartland by said trustees, or by ten or more legal voters of said water district.

—shall be
accepted by
the voters
of said
district.—special
meeting.

At a special meeting held within one year from the time this act takes effect as above set forth, the town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Hartland water district be accepted?" and the voters shall indicate by the written words "Yes" or "No" their opinion of the same. The result shall be declared by the selectmen of Hartland, and due certificate thereof filed by the town clerk with the Secretary of State.

—question
to be voted
upon.

In case this act is not approved by a majority vote of the legal voters of said water district at its first meeting called therefor, it may be approved at any subsequent meeting held within one year therefrom, by a majority vote of the said voters, said subsequent meeting to be called, advertised and conducted in the same manner as the said first special meeting.

—if rejected
another
meeting
may be
called.

Section 14. Said water district shall not acquire said property, privileges, plant and franchises of the said water company until a majority of the qualified voters of said water district voting at said special meeting or at any other special or regular meeting shall have voted in favor thereof.

—must have
affirmative
vote of
voters.

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Water district shall be construed to be a water company.

—take effect.

Section 15. Said water district shall be construed to be a water company as defined in chapter one hundred twenty-nine of the Public Laws of nineteen hundred thirteen, and all acts additional thereto and amendatory thereof, and shall be subject to all the provisions thereof, for water companies as therein defined.

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

Approved April 2, 1915.

Chapter 200.

An Act to Create the Anson Water District.

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

Anson Water District created.
—purposes.

—territory.

Section 1. The following described territory and the people within the same shall constitute a body politic and corporate under the name of the Anson Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary and municipal purposes, to wit: So much of the town of Anson, in Somerset county, as is bounded on the north by the north line of said town; on the east by the Kennebec river; on the south by the south line of said town; on the west by a straight line extending southerly, but not exactly south, from the point where the west line of the Great Embden pond road intersects the north line of said town to a point where the east line of Otis M. Hilton's farm in said Anson intersects the south line of said town.

Source of water supply.

Section 2. Said corporation is hereby authorized for the purposes aforesaid, to take water from Great Embden pond and to have co-equal rights in said Great Embden pond, and any of the tributary lakes or streams thereof, with the Madison Water Company, or to take water from Hancock pond, or from Sand pond, or from Black Hill pond, in said Embden, or from the Mill stream in said Embden or Anson, or from Marshall's pond in said Anson; to erect and maintain pumping stations with all the necessary appliances required therefor; to erect and maintain reservoirs and standpipes; to lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disbursing water, and forming proper reservoirs therefor. Said corporation may take and

—may erect pumping stations, reservoirs, etc.

—may acquire land.