

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

Chapter 144.

An Act to Enable the Town of Princeton to Supply Electricity and Water.

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

Sec. 1. Generation and transmission of electricity; rights and privileges. The town of Princeton, by a commission as hereinafter provided, acting for and in behalf of said town, is hereby authorized and empowered to make and generate electricity, and to transmit, conduct and distribute such electricity to, into and throughout said town, and sell and supply the same for lighting streets, buildings and places therein, public and private, and for heating, power, mechanical and manufacturing purposes, municipal or otherwise, in said town, upon such terms and conditions as may be agreed upon between those desiring the use of such electricity, and said town acting by said commission; and for the purposes aforesaid, to erect, lay down, construct, maintain and operate conduits and lines of wires or other material for the transmission of electricity under, over or across any railroad, stream, river, or other water, and under, along, upon or over any streets, ways and bridges, in said town, and under or over any land owned or leased by said town or taken as hereinafter provided, and to take up, replace and repair such conduits, wires or other material, to erect poles and supports along, upon and over streets, ways and bridges in said town, and over or under any land owned or leased by said town or taken as hereinafter provided, and to take up, replace and repair such poles and supports, to build, construct, maintain and repair manufactories, plants, works, power stations, or other buildings upon said lands, and to do any and all things and acts necessary for carrying out the provisions of section one of this act, doing no unnecessary damage.

Sec. 2. Distribution of water; sources of supply, powers and privileges. Said town, by said commission, is hereby authorized and empowered to sell, distribute and supply pure water for municipal, domestic, sanitary, mechanical and manufacturing purposes, in said town, including a sufficient supply for extinguishing fires; and for the purposes aforesaid, to take water from any lake, pond, stream, brook, spring or other water source within said town, and to convey any of the waters aforesaid by aqueducts or pipes under, over or across any water course or railroad, to lay down, construct and maintain aqueducts and pipes under, upon, over and along streets, ways and bridges in said town, in such manner as not unreasonably to obstruct the same, and under or over any land owned or leased by said town or taken as hereinafter provided, and to take up, replace and repair all such aqueducts, pipes or service pipes, to construct, maintain and repair plants, power stations or other buildings, and to do any and all things and acts as may be necessary to carry out the purposes of a complete system of water works, doing no unnecessary damage.

Sec. 3. Authorization to take water rights, real estate and easements necessary for purposes. Said town, by said commission, shall have power and is hereby authorized to take and hold as for public uses, by purchase, gift, bequest or otherwise any water rights, lands or real estate or interest

therein, necessary for flowage, for power for pumping its water supply through its mains and for running its dynamos or other machinery, for making, generating and supplying electricity, for erecting and maintaining dams, locks and gates, for reservoirs, for erecting and maintaining poles or other supports, for laying and maintaining conduits for wires or other materials for conducting, conveying and distributing electricity, for locating, erecting, constructing and operating manufactories, plants, works or other buildings or structures for making, generating, supplying and distributing electricity and for taking, pumping, conveying, distributing and supplying water for offices, for preserving the purity of its water and water-shed, for laying and maintaining pipes, aqueducts, hydrants or other structures for taking, conducting, conveying, discharging and distributing water, and for rights of way and roadways to be used as approaches to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, conduits, structures and lands, doing no unnecessary damage.

Sec. 4. Authorized to enter upon lands, make surveys, etc.; record to be filed and public notice given. Said town, by said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall record in the registry of deeds and file in the office of the county commissioners in the county in which such lands or property lies, plans of such lands and locations, showing the property taken within said county and the names of the owners thereof, and within thirty days thereafter shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued three weeks successively, and such filing in the registry of deeds and office of the county commissioners shall be in lieu of any other filing now required by law.

Sec. 5. Adjustment of damages. Should said town, by said commission, and the owner of such land be unable to agree upon the damages to be paid for such taking, location and holding, the land owner or the said town by said commission, may within twelve months after the filing of said plans and location apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of highways, so far as such law is consistent with the provisions of this act.

Sec. 6. Contracts. Said town, by said commission, is authorized and empowered to contract with any person, firm or corporation to erect, construct and maintain aqueducts, pipes, dams, locks, gates, hydrants, reservoirs, conduits, poles, supports, manufactories, works or other structures, necessary or convenient for the purposes enumerated in sections one and two herein.

Sec. 7. Board of commissioners created; how chosen, tenure of office, eligibility, vacancies. For the purpose of carrying into effect the provisions of this act, there shall be a board of five commissioners, whose duty it shall be to perform all such acts for the town as are necessary and convenient for the full operation of this act, and such as may be prescribed by town

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ordinance or lawfully directed by the municipal officers of said town. The first selectman of the town shall be one of said commissioners and shall be chairman of the board. He shall have the same privilege of voting as other commissioners of the board. The other four commissioners shall be elected by ballot by the qualified voters of the town of Princeton, at a special town meeting duly called therefor, to be held on the third Tuesday, in July, nineteen hundred seventeen. The names of all candidates so to be voted for for election to said board shall be filed three days at least before said election day, exclusive of Sundays, with the municipal officers of said town who shall prepare sufficient ballots with the names of all said candidates so filed, written or printed thereon. A voter shall prepare his ballot by placing a cross opposite such name or names on said ballot as he desires to vote for, not exceeding four. The candidate receiving the highest number of votes at said election shall serve for the term of four years; the candidate receiving the next highest number of votes at said election shall serve for the term of three years; the candidate receiving the next highest number of votes at said election shall serve for the term of two years; and the candidate receiving the next highest number of votes at said election shall serve for the term of one year. Their terms of service shall begin immediately after their election, but shall date from the date of the next annual town meeting. Thereafter one commissioner shall be elected by ballot annually at the annual town meeting to serve for the term of four years. The result of all elections hereunder shall be declared by said municipal officers and due certificate thereof filed with the town clerk. The commissioners may fill any vacancy occurring by death, resignation or otherwise until the next annual town meeting, when a commissioner shall be elected to fill the unexpired term. Municipal officers of the town of Princeton shall not be eligible for election. No person shall be eligible for election unless he shall have been a bona fide resident of said town at least two years immediate prior to said election. Any commissioner losing his residence in said town, thereby vacates such office of commissioner, and such vacancy shall be filled as aforesaid.

Sec. 8. Water and electric rates; duties of commissioners. Said commissioners are authorized to fix the rates for electricity and water supplied as aforesaid, to be paid monthly, quarterly, semi-annually or annually, and in the same manner determine the conditions and methods of such supply, and shall have general charge and control of the town's electrical system and water system.

Sec. 9. Authorized to dig up and excavate highways. Said town of Princeton, by said commission, is authorized for the purpose of carrying into effect the provisions of this act, to dig up and excavate any right of way or highway in said town, or land owned or leased by said town, or taken as hereinbefore provided, construct conduits, lay pipes or wires therein, and fill the trenches in said highway under the direction of the road commissioner of said town, or such person as may be acting in that capacity for the time being.

Sec. 10. Damages occasioned by the taking of water by corporation; how determined. Whenever said town of Princeton shall under section two

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of this act take water from any of the sources therein named it shall record in the registry of deeds and file in the office of the county commissioners in the county in which such source of supply is located, a notice of such taking, describing the size, location and depth of the pipe or pipes through which said water is to be taken from said source. The said town of Princeton shall pay all damages sustained by any person, association, partnership or corporation by the taking of any water, water source, water right or easement, by the erection of poles and wires, or by any other thing done by said town under the authority of this act, which shall be determined and assessed in the same manner as is provided in section three for land taken under the provisions of this act.

Sec. 11. Disagreement with railroad companies adjusted by public utilities commission. If it shall be necessary for said town, by said commission, to lay pipes, aqueducts or wires across or under the tracks or location of any railroad company, and said town shall fail to agree with such railroad company, as to the place, manner and conditions of crossing its railroad with such pipes, aqueducts or wires, the public utilities commission shall determine the place, manner and conditions of said crossing within thirty days after request by said commission. All work within the limits of the railroad location shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company, but at the expense of said town.

Sec. 12. Bond issue authorized; how bonds shall be designated and marked. For the purpose of raising money to carry out any or all of the provisions of this act, the town of Princeton may issue at any time its bonds with interest coupons, signed in behalf of said town by the municipal officers and the treasurer of said town, when authorized by a vote of said town at a legal town meeting, to an amount which, taken in addition to the other indebtedness of the town, will not exceed the amount limited by the constitution of Maine. Such bonds shall be signed by the municipal officers of the town and the treasurer thereof, but the coupons need be signed by the treasurer only; and the bonds shall be designated and marked "The Princeton Electrical Loan" or "The Princeton Water Loan" or "The Princeton Electrical & Water Loan" as the case may be.

Sec. 13. Compensation of commissioners. No salary or other compensation shall be received by said commissioners for their services herein designated, unless and until voted by said town.

Sec. 14. Existing statutes continued in force. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. And all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes.