

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
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four, the purposes of which are defined in its certificate of organization, is hereby authorized to add to the purposes for which the corporation exists the following, viz: To buy, sell and deal in coal of all kinds. To build, buy, lease, charter or otherwise acquire any vessel or vessels necessary to enable the corporation to carry on its business and to carry passengers, freight, or both, upon any waters where such corporation may lawfully navigate. To subscribe for, purchase, hold, deal in, sell, mortgage, pledge, assign, transfer, or otherwise acquire and dispose of the shares of the capital stock of, or the bonds, securities or other evidences of indebtedness created by any other corporation or corporations in this or any other state, territory, or country, whether organized for similar purposes or not, and while the owner thereof to exercise all the rights, powers and privileges of ownership including the right to vote any share of stock so held. To carry on its business in any other state or country when and where permissible under the laws thereof.

Sec. 2. Approval of stockholders necessary. Before this act shall take effect it shall be accepted by vote of the stockholders representing a majority of the outstanding stock of said corporation passed at a meeting to be held for the purpose. Within thirty days from the passage of such vote a copy thereof, certified by the clerk of the corporation, shall be filed in the office of the secretary of state, who shall record such copy in the book wherein certificates of organization of corporations organized under the general law are recorded. Nothing herein shall be construed to give this corporation authority to engage in the business of deriving profit from the loan of money.

Approved March 14, 1919.

Chapter 58.

An Act to Incorporate the Island Falls Water District.

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

Sec. 1. Territorial boundaries and purposes. The following described territory, and the people within the same, namely: Town of Island Falls in the county of Aroostook, excepting lot number one hundred and forty-four in said town, shall constitute a body politic and corporate under the name of the Island Falls Water District, for the purpose of supplying the inhabitants of said district, with pure water for domestic and municipal purposes.

Sec. 2. Source of supply; may take over lands. Said water district is hereby authorized for the purposes aforesaid to detain, collect, take, store, use and distribute water from any water source or sources, wholly or partially in said town of Island Falls, and may take and hold by purchase

or otherwise any land or real estate necessary for erecting dams, power, reservoirs, or for preserving the purity of the water and watershed, and for laying and maintaining aqueducts for taking, discharging and disposing of water.

Sec. 3. Land damages; procedure in case of disagreement. Said water district shall be liable for all damages 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 damage 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.

Sec. 4. May lay pipes, etc., through streets of town of Island Falls. Said water district is hereby authorized to lay in and through the streets and highways of said town of Island Falls, 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 earth and pavement removed by it to be replaced in proper condition.

Sec. 5. Administration; election of trustees; tenure of office and compensation; annual report. All the affairs of said water district shall be managed by a board of trustees composed of three members, none of whom shall be a municipal officer of said town, 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 the said corporation to be called to accept this act, one to serve until the annual meeting to be held in nineteen hundred and twenty, one to serve until the annual meeting to be held in nineteen hundred and twenty-one, one to serve until the annual meeting to be held in nineteen hundred and twenty-two. Whenever the term of office of a trustee shall expire the legal voters of the said water district shall elect a successor to serve for 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 election of officers shall be in the month of March. As soon as convenient after the board of trustees has been chosen, the said trustees shall hold a meeting at the office of the selectmen in the town of Island Falls, and organize by the election of a chairman and clerk, adopt a corporate seal, and when necessary, may choose a treasurer and all other needful officers and agents for the proper management of the affairs of

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said water district. Said trustees may have the use of the town offices for the transaction of their business. Each member shall receive in full compensation of his service the sum of one dollar for each and every regular and special meeting of said board at which he is in attendance. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical condition and of 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, such reports to be made and filed with the municipal officers of the town of Island Falls on or before the first day of March of each year. The said water district, at any legal meeting thereof, called for the purpose, may adopt such by-laws and provisions, not inconsistent with the laws and constitution of this state and the United States, as they may deem expedient and necessary for the better government and regulation of the municipal affairs within said water district, in which case such by-laws and provisions so adopted, shall extend to said water district as fully, to all intents and purposes, as the other provisions of this act, subject only to alterations or additions by a two-thirds vote, at a legal meeting of the water district called for the purpose.

Sec. 6. May take over plant of Island Falls Water Company. 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 purpose, the entire plant, property and franchises, rights and privileges now held by the Island Falls Water Company within said district and the remaining portion of said town of Island Falls, including all lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said company and used or usable in supplying water in said water district and any other real estate in said water district.

Sec. 7. Procedure in case of disagreement as to purchase price of plant and franchise of Island Falls Water Company. In case said trustees fail to agree with said Island Falls Water Company upon the terms of purchase of the above mentioned property on or before December thirty-first, nineteen hundred and nineteen, said water district through its trustees is hereby authorized to take said plant, property and franchises as for public uses by petition therefor in the manner hereinafter provided. And said water district through its trustees is hereby authorized on or before February first, nineteen hundred and twenty, to file a petition in the clerk's office of the supreme judicial court for the county of Aroostook, in term time or in vacation, addressed to any justice of said court, who after notice to said Island Falls Water Company and its mortgagees, shall, after hear-

ing and within thirty days after the filing of said petition, appoint three disinterested appraisers, none of whom shall be residents of the county of Aroostook, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant, property and franchises. The said appraisers shall have the power of compelling attendance of witnesses and the production of books and papers pertinent to the issue, and may administer oaths; and any witness, or person in charge of such books or 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. The appraisers so appointed shall after due notice and hearing fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that the said Island Falls Water Company shall receive just compensation for all the same. The thirty-first day of December, nineteen hundred and nineteen, 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 rents and profits accruing 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 of his inability 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 appraisers shall be conclusive as to valuations. 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 the property, jurisdiction over which is hereby conferred, with the same power to enforce said 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 exceptions to any rulings 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. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel and said exceptions so claimed 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 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

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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 opinion of the law court. Before said plant, property and franchises are transferred in accordance with such final decree, and before the payment therefor, the court sitting in said county of Aroostook, 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 properly had or incurred by the Island Falls Water Company belonging to the period from and after December thirty-first, nineteen hundred and nineteen, and all the net rents and profits accruing thereafter, and shall order the net balance due to either party to be added to or deducted from the amount to be paid under said final decree, as the case may be. All findings of law or fact by such single justice at such hearing shall be final. 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 and franchises shall become vested in said water district and be free from all liens, mortgages, and incumbrances theretofore created by the Island Falls Water Company. After the filing of said petition it shall not be discontinued or withdrawn by said water district, and the said Island Falls Water Company may thereafterwards on its part cause said valuation to be made as herein provided, and shall be entitled to appropriate process to compel said water district to perform the terms of the final decree, and to pay for said plant, property and franchises in accordance therewith.

Sec. 8. District to assume obligations of existing company. All valid contracts now existing between the Island Falls Water Company and any persons or corporations for supplying water within said water district, shall be assumed and carried out by said Island Falls Water District.

Sec. 9. Bond issue authorized. 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 Island Falls Water Company, and the purchase thereof, and to secure a new source of supply, or the improvement of the present supply, and to make such extensions of the present system as the interests of the said water district shall demand. 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 one hundred and five, chapter fifty-one 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.

Sec. 10. Schedule of rates. 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:

1. To pay the current running expenses for operating and maintaining the water system and to provide for such extensions and renewals as said trustees may deem necessary.
2. To provide for payment of the interest on the indebtedness of the district.
3. 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.

Sec. 11. Incidental powers and privileges granted. All the incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 12. Approval by voters of district before effective. 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 the purpose on the second Monday in September, nineteen hundred and nineteen. Such special election shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following question: 'Shall the act to incorporate the Island Falls Water District be accepted?' and the voters shall indicate by the words 'Yes' or 'No' their opinion of same by written ballot. The result in said town of Island Falls shall be declared by the selectmen and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 13. Certain sections inoperative unless purchase of existing water company's plant is effected. Sections two, three and four 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 this act provides, the plant, property and franchises, rights, and privileges now held by the Island Falls Water Company within said district.

Sec. 14. Prior laws not affected. 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, and acts amendatory thereof or additional thereto.

Sec. 15. Effective as to referendum provisions at usual time. 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 twelve herein provided.