

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
Legislature

1921

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hundred and fourteen of the private and special laws of nineteen hundred and fifteen is hereby amended by inserting between the words "property" and "of" in the third line of said section the following: 'now of the Maine Power Corporation and formerly' and by striking out the words "Gas and Electric Company" in the eighth line of said section and inserting in place thereof the words 'Maine Power Corporation,' so that said section, as amended, shall read as follows:

'Sec. 4. Made to conform to the fact that the Maine Power Corporation has taken over property of Lisbon Falls Gas and Electric Company. Before the Town of Lisbon shall construct any plant under the provisions of this act it shall purchase the plant and property now of the Maine Power Corporation and formerly of the Lisbon Falls Gas and Electric Company, provided the said company desires to sell; and said company hereby is authorized to sell. The procedure shall be as follows: When the Town of Lisbon shall vote to enter upon the business of supplying gas and electricity, or either, the town clerk shall notify the said Maine Power Corporation of such action by registered letter directed to its office. If, within thirty days thereafter, said company shall signify in writing to said town clerk its decision to sell, it shall within ninety days after so signifying deliver to said town suitable deeds or other instruments conveying its plant and property; and said town shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. Should said town and said company be unable to agree upon the value of said plant and property, then such value shall be determined by three appraisers, one of whom shall be chosen by the town, one by the company, and a third by these two, or, if they be unable to agree, the third shall be named by the chief justice of the supreme court of Maine. Provided, however, that such value shall be estimated without enhancement on account of future earning capacity, or on account of the franchise of said company.'

Approved March 24, 1921.

Chapter 75.

An Act to Incorporate the Hallowell Water District.

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

Sec. 1. Territorial boundaries and corporate name. All the territory of the City of Hallowell not included in the area described as beginning at a point in the center of Central Street at the intersection of High Street with Central Street; thence southerly by the center of High Street to its end; thence in a straight line from the end of High

Street to the center of the road leading from Hallowell to Litchfield where it intersects with the Outlet Road, so called; thence by the center of the Litchfield Road to the Farmingdale and Hallowell town line; thence by the Farmingdale and Hallowell town line to the Manchester and Farmingdale town line; thence by the Manchester and Hallowell town line to a point where Central Street, if extended, in a straight line, would cross said Manchester and Hallowell town line; thence in a straight line to the end of Central Street and continuing by the center of Central Street to the place of beginning; together with the people in said Hallowell, who are not inhabitants of the territory excepted, as aforesaid, shall constitute a public municipal corporation under the name of the Hallowell Water District for the purpose of supplying the inhabitants of said city with pure water for domestic, sanitary and municipal purposes.

Sec. 2. Right of eminent domain conferred. The said district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase, eminent domain, 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 shed, 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, its dams, power stations, reservoirs, mains, aqueducts, structures and lands.

Sec. 3. Authorized to construct dams, reservoirs, etc. The said district is hereby authorized, for the purposes of its incorporation, to erect, construct and maintain all dams, power stations, reservoirs, mains, aqueducts, structures and roadways necessary and convenient for its corporate purposes.

Sec. 4. Authorized to lay mains, etc., through publicways and across private lands. The said district is hereby authorized to lay in and through the streets, roads, ways and highways of the city of Hallowell 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 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.

Sec. 5. Title to water system owned by the city of Hallowell to vest in Hallowell Water District. At the time this act takes effect, the title to the entire plant, property and franchises, rights and privileges,

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including all lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools, apparatus and appliances, owned by the City of Hallowell and used or capable of being used for the purpose of maintaining a public water supply, together with all unexpended funds credited to the water department and all bills receivable for water service, shall vest in the Hallowell Water District, and become the property of said district.

Sec. 6. Authorized to purchase water from other water district or corporation. The said district through its trustees is hereby authorized to purchase or obtain a supply of pure water, when necessary, from any other water district, water company or source of supply.

Sec. 7. Procedure as to exercise of right of eminent domain. In exercising any right of eminent domain conferred upon it by law, from time to time, or any rights of eminent domain through or under the franchises of the City of Hallowell by it acquired, the said district shall file in the office of the county commissioners of Kennebec county and cause to be recorded in the registry of deeds in said county plans of the location of all lands or interests therein or water rights, to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of ten days from such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

Sec. 8. Adjustment of damages. If any person, sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Kennebec County, 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 laying out of highways.

Sec. 9. Procedure to be employed in crossing railroad. 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 conditions of such crossing; and all work 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 the district.

Sec. 10. Affairs to be managed by board of trustees. All the affairs of said water district shall be managed by a board of trustees composed of three members to be appointed by the mayor and confirmed by the board of aldermen of the City of Hallowell within thirty days after this act takes effect, the first one so appointed to hold office for one year, the second for two years, and the third for three years from the time of the regular January meeting of the city government next ensuing after this act becomes effective. Thereafter, one member shall be so appointed and confirmed each year at the regular January meeting. In case of a vacancy by death, resignation or removal, a member shall be appointed and confirmed in like manner forthwith, to serve the remainder of the term in which the vacancy occurs. The member serving the last year of his period of appointment shall be chairman, and the member serving next to the last year of his appointment shall be clerk. The trustees shall adopt a corporate seal and such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. Said trustees may hold their meetings in the city government rooms. They shall receive such compensation as the city government may allow. Said trustees shall be at all times subject to removal by the city government, for proper cause shown.

Sec. 11. Trustees to select treasurer, superintendent and other officers and agents; fiscal year. The trustees shall choose annually a treasurer and a superintendent of the district, and employ from time to time such other officers and agents as they may deem necessary. Said officers and agents shall perform such duties as shall be designated by the trustees, and be subject to removal by the trustees at all times. The treasurer shall give such bond to the trustees as they may require. The fiscal year of the district shall end December thirty-first.

Sec. 12. To assume liabilities of city in connection with its water system; may issue bonds and negotiate temporary loans, bonds legal investment for savings banks. Said water district shall assume all the existing indebtedness of the City of Hallowell incurred previous to the time when this act takes effect in the establishment and maintenance of its present water supply, to the extent of twenty thousand dollars, and no more. And for the purpose of refunding said indebtedness and to procure such further sums as may be necessary to perfect and improve

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the existing sources of water supply, and to secure new sources of supply, when necessary, said water district, through its trustees and subject to the approval of the public utilities commission, is authorized to issue its bonds to an amount sufficient for said purposes. Said water district, through its trustees, is also authorized to borrow money for temporary purposes and to issue therefor the interest bearing negotiable notes of the district. Said bonds and notes shall be legal obligations 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 notes and bonds shall be legal investments for savings banks.

Sec. 13. Water rates; sinking fund created. 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 water used by them. Said rates shall be uniform within the territory supplied by the district and subject to the approval of the public utilities commission. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current running expenses and renewals as may become necessary.
2. To provide for the 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 five 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. 14. Incidental rights and powers. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 15. When act takes effect. This act shall take effect in ninety days after the recess of the present session of the legislature, unless suspended under the provisions of section seventeen of article thirty-one of the constitution.