

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

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Chapter 76

An Act to Legalize and Make Valid the Doings of the Town of Orono at a Special Meeting of the Voters of said Town held on August Fourteenth, Nineteen Hundred and Twenty.

Emergency preamble. Whereas, the commencement of work upon the construction of the Bradley-Orono bridge in the immediate future is urgently necessary in the interests of public peace, health and safety, and,

Whereas, serious questions have arisen as to the legality of a meeting of the voters of the Town of Orono held on August fourteenth, nineteen hundred and twenty, at which the sum of twenty-seven thousand, six hundred dollars was appropriated for the purpose of assisting in the construction of said bridge, and,

Whereas, such work cannot be commenced until said sum is available for use for such purpose, now therefore,

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

Sec. 1. Special town meeting of town of Orono held August 14, 1920, ratified. All acts and doings of the inhabitants of the Town of Orono at a special meeting of said inhabitants held on the fourteenth day of August, nineteen hundred and twenty, are hereby ratified, confirmed and made valid, so far as the same may have been affected by any irregularities in the posting of the warrant calling said meeting or in the return upon said warrant.

Sec. 2. Emergency clause. In view of the emergency set forth in the preamble, this act shall take effect when approved.

Approved March 24, 1921.

Chapter 77.

An Act to Incorporate the Monmouth Water and Sewer District.

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

Sec. 1. Territorial limits and corporate name; plans to be submitted to public utilities commission. That part of the Town of Monmouth, and the people within the same, which is bounded and described as follows: Commencing at the shore of Cochnewagan pond at the mouth of Fish Brook; thence extending northerly along Fish Brook to a point where the center line of the old East Monmouth road extended westerly would intersect said brook; thence easterly along said line across the road leading from Monmouth to Monmouth Academy to the old road leading to East Monmouth, and along the center line of said road to Wilson stream; thence southerly along Wilson stream a distance of one mile;

CHAP. 77

thence a true westerly course across Main Street to the easterly shore of Cochnewagan Pond; thence northerly and westerly on the shore of Cochnewagan pond to the point of beginning at the mouth of Fish brook, shall constitute a body corporate and politic under the name of the Monmouth Water and Sewer District for the purpose of supplying the inhabitants of said district and of the town of Monmouth and said town of Monmouth with water for domestic, sanitary, manufacturing, fire protection and municipal purposes, and for the purpose of providing in said district, and in any part of the Town of Monmouth contiguous thereto, a system of public sewerage, drainage and such other facilities, conveniences and improvements as they may deem for the comfort, convenience and health of the people of said district and of said contiguous territory, with all the rights, privileges and immunities incident to similar corporations.

Provided, however, that it shall not construct any system of water supply, drainage or sewerage, without having first submitted its plans to the public utilities commission and obtained its approval therefor in writing, under power vested in said commission by chapter ninety-eight of the public laws of nineteen hundred and seventeen.

Sec. 2. Right of eminent domain conferred. The said district, for the aforesaid purposes, is authorized to take and hold as for public uses, sufficient water of any underground or surface brooks, streams, springs, lakes or ponds wholly or partly in the towns of Monmouth or Winthrop; to take and hold as aforesaid by purchase or otherwise any land or real estate necessary for erecting dams, power plants, reservoirs, stand-pipes, or for preserving the purity of the water or watershed and for laying and maintaining aqueducts for taking, distributing, discharging and disposing of water, and for forming and maintaining basins, reservoirs, mains, pipes, outlets and other necessary conveniences for the collection, discharge and disposition of sewage matter, and for all other objects necessary for the convenient and proper enjoyment of any of the purposes of this act, including rights of way or roadways to its source of supply, points of discharge and other properties, anywhere in the towns of Monmouth and Winthrop. And the right of eminent domain is hereby expressly delegated to said district for the aforesaid purposes.

Sec. 3. Mains, pipes, etc. may be laid along public ways and across private lands. Said district is hereby authorized to lay in and through the streets, roads and ways in said district, and in the towns of Monmouth and Winthrop where its corporate services are rendered or its water supply is collected, conveyed or distributed, or sewage and other waste matter is collected, conveyed, discharged or otherwise disposed of, and across private lands therein, and to maintain, repair and replace,

all such pipes, aqueducts, mains and fixtures as may be necessary and convenient for its corporate purposes; and wherever it shall lay any pipe, aqueduct or main in any street, road or way, 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. 4. 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, the said district shall file in the office of the county commissioners of the county where such lands or water rights are situated and record 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 the property authorized to be taken, and which is described in such location or the location 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. 5. 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 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.

Sec. 6. Procedure as to crossing of railroads. 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 such railroad company, but at the expense of the district.

CHAP. 77

Sec. 7. Affairs to be managed by board of trustees; how elected; powers and duties; shall publish annual report. All the affairs of said district shall be managed by a board of three trustees, residents or owners of real estate therein, who shall be elected by ballot of the persons therein legally qualified to vote in town meetings. They shall hold office for the term of three years and until their respective successors are chosen and qualified, except, however, as hereinafter provided. Vacancies shall be filled for the unexpired term.

The first board of trustees shall be elected at the meeting called for the acceptance of this act, one to serve until the first regular annual meeting of the district, one until the second, and one until the third such meeting. Thereafterward, one member shall be chosen at each annual meeting to serve for the term of three years. If a vacancy occurs in said board more than three months before the date of the next succeeding annual meeting, a special meeting shall be called to fill the vacancy, and all vacancies existing at the date of an annual meeting shall then be filled.

As soon as convenient after said first election the trustees shall hold a meeting at some convenient place in the district to be called by any member thereof in writing designating the time and place and delivered in hand to the other two members not less than two full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. When necessary they may choose a treasurer and other needful officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as they may approve. Members of the board shall be eligible to any office under the board, but shall not receive any compensation therefor except as trustees unless authorized by vote of the district. The compensation of the trustees shall be fifty dollars each per annum unless otherwise provided by vote of the district.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk or clerk pro tem. They shall make and publish an annual report including a report of the treasurer.

Sec. 8. Annual and special meeting; qualification of voters. The annual meeting of the district shall be held in the district on the date of the annual town meeting of the Town of Monmouth, at such hour and place as may be designated by resolution of the board of trustees as provided in the by-laws. Notice thereof, signed by the chairman or clerk of the board, shall be conspicuously posted in two public places within the

district, not less than seven days before the meeting. Special meetings may be called by the board in like manner at any time, and notices of special meetings shall state the business to be transacted thereat. Eleven persons qualified to vote in such meetings shall constitute a quorum. If for any reason an annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within three months from said date.

All persons resident in said district and qualified to vote for governor under the laws of this state shall be entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

Sec. 9. Trustees to act as board of registration in determining qualification of voters. After the meeting for acceptance of this charter, the trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in said district, and for that purpose they shall be in session at the place designated for holding the meeting between the hours of ten o'clock in the forenoon and twelve o'clock noon of the secular day next before the date of every meeting; and two hours next before the opening of the meeting, and notice thereof shall be given in the call for the meeting. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

Sec. 10. May contract for water supply with Town of Monmouth, or with other corporations or individuals. Said district through its trustees is authorized to contract with persons and corporations including the Town of Monmouth, and said Town of Monmouth is authorized to contract with it, for furnishing water for domestic, sanitary, manufacturing or municipal purposes, and for the collection, discharge, and disposition of sewage or other waste matter.

Sec. 11. Exempt from taxation. The property, rights and franchises of said district shall be forever exempt from taxation.

Sec. 12. May issue bonds and negotiate temporary loans; bonds legal investment for savings banks. For accomplishing the purposes of this act said district is hereby authorized and empowered through its trustees, to issue its notes, bonds and other evidences of indebtedness to an amount sufficient to procure funds to pay the expenses incurred in acquiring and constructing its plant or plants, properties and franchises and for further extensions, additions and improvements of the same, whether done at one time or from time to time, and to refund the same as they shall fall due. Said notes, bonds and other evidences of indebtedness

CHAP. 77

shall be a legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section one hundred and five of chapter fifty-one of the revised statutes of nineteen hundred and sixteen, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Said bonds shall be a legal investment for savings banks. The trustees may also borrow on the notes of the district such sums as may be necessary to meet the current expenses of the district in anticipation of the collection of rates.

Sec. 13. Water rates; sinking fund created. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by the board of trustees for the service used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

I. To pay the current running expenses of the district including maintenance and provision for depreciation.

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

III. 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 debt. The money so set aside shall be devoted to the retirement of the obligations of the district, or invested in securities lawful for savings banks. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue bonds of the district so that not less than one per centum of the amount of the bonds so issued shall mature and be retired annually.

Sec. 14. Incidental powers and rights granted. Said district is hereby vested with all incidental powers, rights and privileges necessary to the accomplishment of the main objects of this act.

Sec. 15. Not operative until accepted by legal voters of district. This act shall take effect when approved by majority vote of the legal voters within said district voting by ballot at an election to be specially called and held for the purpose after ninety days from the date of final adjournment of this session of the legislature. The board of selectmen of the Town of Monmouth shall call said election to be held upon a date to be specified in writing by not less than four of the following persons now resident therein, namely: John D. Lunn, A. V. Blaisdell, Eugene Andrews, C. M. Randlette, Carl T. Bragdon, George B. Pattle and W. C. Cobb. Said board of selectmen shall make and provide a separate

check list for such of the voters within said district as are then legal voters therein, and all warrants issued to said district shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such election shall be called, advertised and conducted according to the law relating to municipal elections, providing, however, that the selectmen shall not be required to prepare or the town clerk to post a new check list of voters, and for this purpose said board shall be in session the two secular days next preceding such election, the first day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question; "Shall the act to incorporate the Monmouth Water and Sewer District be accepted?", and the voters shall indicate by depositing a ballot in the ballot box with the word "Yes" or "No" on the same, their opinion of the same. The result shall be declared in open meeting and due certificate thereof filed by the town clerk with the secretary of state. If the majority of the votes cast shall be in the affirmative, said voters shall then proceed by written ballot to elect a board of trustees of said district as provided in section seven of this act. Eleven qualified voters of said district shall constitute a quorum for the purposes of this election, but a less number may adjourn from time to time not exceeding seven days at one time.

Approved March 25, 1921.

Chapter 78.

An Act Relating to the Records of Instruments Affecting or Conveying Title to Real Estate in the County of Knox and now Recorded in other Counties.

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

Sec. 1. Records of deeds in Lincoln, Waldo and Hancock which pertain to portions of counties annexed to Knox to be copied by some person appointed by Governor. The governor shall appoint and commission some suitable person, who after first being sworn to perform his duty under this act, shall at once proceed to cause to be copied so much of the records now in the registry of deeds for the Counties of Lincoln, Waldo and Hancock, as relate to real estate in that portion of the present County of Knox which was formerly included in said counties prior to the organization of Knox County.

Sec. 2. How copies shall be prepared and preserved. The copies shall be made on paper of the kind and quality used for recording deeds in the registry of deeds for said County of Knox and shall be bound into books