

# 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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## Chapter 159.

An Act to Incorporate the Kennebunk, Kennebunkport and Wells Water District.

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

**Sec. 1. Territorial limits, corporate name and purpose.** The territory and people constituting the towns of Kennebunk, Kennebunkport and Wells, except that portion of the Town of Wells situated one mile and more northerly and westerly of the state highway through said town, shall constitute a body politic and corporate under the name of the Kennebunk, Kennebunkport and Wells Water District, for the purpose of supplying the inhabitants of said district and said municipalities, and also the portions of the Town of York and the City of Biddeford now being served by the York County Water Company, with pure water for domestic and municipal purposes.

**Sec. 2. Source of water supply; may take and hold land by purchase or otherwise, subject to general provisions.** Said district is hereby authorized, for the purposes aforesaid, to take and hold sufficient water of any surface or underground brooks, streams, springs, or ponds in said district and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, stand-pipes, or for preserving the purity of the water or watershed and for laying and maintaining aqueducts for taking, discharging and disposing of water.

The provisions of sections twenty-three to twenty-six, inclusive, of chapter sixty-one of the revised statutes shall apply to all land taken under this section.

**Sec. 3. Damages, how ascertained.** Said district shall be liable for all damages sustained by persons or corporations 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, or stand-pipes. If any person sustaining damage as aforesaid and said corporate district shall not mutually agree upon the sum to be paid therefor, such person or corporation shall cause his or her or its 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., 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 portions of the Town of York and the City of Biddeford above described, 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 when-

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ever said district shall lay any pipe or aqueduct in any street, road 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. Management of affairs.** All the affairs of the said water district shall be managed by a board of trustees composed of three members, one chosen by the municipality of Kennebunk, one by the municipality of Kennebunkport and the other by the inhabitants of the municipality of Wells residing within the limits of said district. The trustees chosen by the municipalities of Kennebunk and Kennebunkport shall be elected by ballot at their annual town meetings, respectively, as town officers are elected and the trustee chosen by the inhabitants of the district within the Town of Wells shall be elected at a meeting of said inhabitants called and held in the manner provided in section fourteen of this act.

The first board of trustees shall be elected at the meeting of each of said Towns of Kennebunk and Kennebunkport and the meeting of the inhabitants of the district in the Town of Wells, when this charter is accepted, which meeting may be a special meeting called for said purpose. As soon as convenient after said trustees have been chosen, they shall hold a meeting at the office of the selectmen in the Town of Kennebunk and organize by the election of a president and clerk, adopt a corporate seal, and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting 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 when the term of office of a trustee expires, the town or body which elected said trustee shall elect a successor to serve the full term of three years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. They may also ordain and establish such by-laws, not inconsistent with the laws of the state, as are necessary for their own convenience and the proper management of the affairs of said district. The terms of office of said trustees shall begin on the first Monday of April, but this provision shall not prevent the first board of trustees from becoming such at once upon their election at the meetings in which this charter is accepted. The trustees shall make and publish an annual report and include therein the report of the treasurer. Each trustee shall receive in full compensation for his services an allowance of two hundred dollars per annum.

**Sec. 6. Acquisition of system of York County Water Company authorized.** Said 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 district for said purpose, the entire plant, property and franchises, rights and privileges now held by the York County Water Company, including all lands, buildings, residences for employees, pipes, stand-pipes, reservoirs, machinery, fixtures, hydrants, automobile, tools, apparatus and appliances, owned by said York County Water Company and used or usable in supplying water, and any other real estate in said district, for the purposes herein set forth.

**Sec. 7. Procedure in case purchase price of system of York County Water Company cannot be agreed upon.** In case said trustees fail to agree with said York County Water Company upon the terms of purchase of the above mentioned property, within three months after the acceptance of this charter by the inhabitants of said district as hereinafter set forth, said district, through its trustees aforesaid, is hereby authorized to take said plant, property, and franchises, as for public use by petition therefor in the manner hereinafter provided. And said water district, through its trustees, is hereby authorized at any time after three months from the date of the acceptance of this charter, as aforesaid, and not later than March first, nineteen hundred and twenty-two, to file a petition in the clerk's office of the supreme judicial court for the County of York, in term time or in vacation, addressed to any justice of said court, who, after due notice to said York County 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 the towns constituting said district, for the purpose of fixing the valuation of said plant, property and franchises. Said petition after being filed shall not be withdrawn or dismissed except with the consent of said company. At the hearing aforesaid, such justice, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, of all books and papers pertinent to the issue and necessary for a full understanding of the matter to be heard by said appraisers, the terms and conditions of so producing and filing such books and papers to be determined by the justice in his order therefor and to be enforced from time to time as any justice of the supreme judicial court, in term time or in vacation, upon motion of either party, may deem reasonable and proper in the premises. At such hearing, such justice upon motion of the petitioner, may fix a time at which the said water company shall file in the clerk's office of the supreme judicial court for the County of York, for the inspection of the petitioner, the following: First, schedules showing the names, residences and water service of all customers on the first day of January in the year nineteen hundred and twenty-two, with the rate charged therefor; second, copies of all contracts in force on said first day of January; third, an itemized statement of the gross income earned during

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its last complete fiscal year and up to said January first, and all operating expenses and fixed charges, paid or incurred during such period and properly chargeable thereto; fourth, a memorandum of all real estate, water rights, or interests therein, owned or controlled on said first day of January, with such brief description thereof as will reasonably identify the same; fifth, brief descriptions, specifications and plans of all reservoirs, mains, pipes, service pipes, hydrants, gates, gate boxes, shut-off boxes, fixtures and machinery and all the physical elements in such water system, giving in detail quantities, sizes, lengths, and specifying the streets, roads, or ways where situated; sixth, an itemized list of all tools, apparatus, appliances and supplies used or usable in supplying water on said first day of January. Such orders may be enforced from time to time by any justice of said supreme judicial court, in term time or in vacation, upon motion of either party, as such justice may deem reasonable and proper in the premises. At such hearing the justice then sitting may, upon motion of the petitioner, make all such decrees as he deems reasonable and proper to enable the petitioner, through its servants and employees, to ascertain the true condition of the mains and pipes of the said water company, externally or internally, in the presence of the officers or agents of said water company, the entire expense thereof to be borne by said water district. The said appraisers shall have the power of compelling attendance of witnesses and the production of all books, accounts and papers pertinent to the issue and necessary for a full understanding by them of the matter in question and may administer oaths; and any witness or 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. The appraisers so appointed shall, after notice and hearing, fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that said water company shall receive just compensation for all the same. The first day of January, nineteen hundred and twenty-two, shall be the date as of which the valuation aforesaid shall be fixed, from which date interest on said award shall run, and all rents and profits accruing thereafter shall belong to said water district. The report of said appraisers, or a majority of them, shall be filed in said clerk's office, in term time or in vacation, as soon as may be after their appointment, and such single justice, or, in case of his inability to act, any justice of said court appointed by the chief justice, may, after notice and hearing, confirm or reject the same, or recommit it if justice so requires. Before a commission is issued to said appraisers either party may ask for instructions to said appraisers, and all questions of law arising upon said requests for instructions, or upon any other matters in issue, may be reported to the law court for deter-

mination before the appraisers proceed to fix the valuation of the property, plant and franchises of said company. 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 and transfer of property, jurisdiction over which is hereby conferred, and with the power to enforce said decree as in equity cases. All findings of fact by said court shall be final, but any party aggrieved may take exceptions as to any ruling of law so made, the same to be accompanied by so much of the case as may be 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 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 the parties. They shall be entered at the next term of the law court to be held after the filing and entry of said decree and there heard unless otherwise agreed; or the law court for good cause shall order further time for hearing thereon. Before said plant, property and franchises are transferred in accordance with such final decree and before payment therefor, as hereinbefore provided, such justice shall, upon motion of either party, after notice and hearing, take account of all receipts and expenditures properly had or incurred by the York County Water Company, belonging to this period, from and after said first day of January, and all net rents and profits accruing thereafter, and shall order the net balance to be added to, or deducted from, the amount to be paid under such final decree, as the case may be. All findings of law and fact by such justice at such hearing shall be final. On payment or tender by said district of the amount so determined and the performance of all the other terms and conditions so imposed by said court, the entire plant, property and franchises shall become vested in said water district. All of said plant, property and franchises shall be taken and shall vest in said district, subject to all bonds, mortgages, liens and incumbrances thereon, all which bonds, mortgages, liens and incumbrances shall be assumed and paid by said district. The compensation to be paid to said York County Water Company for said plant, property and franchises shall be the difference between the valuation thereof as fixed and determined by said appraisers and the aggregate amount of such bonds, mortgages, liens and incumbrances which are assumed by said district.

The appraisers may allow an additional amount to include any sum which shall represent the unamortized discount value of the outstanding bonds if the same shall be found by the court to be a proper element in determining the value of the property and if they shall be so directed by the court.



**Sec. 8. No authority conferred to furnish water to City of Biddeford or Town of York.** No authority to furnish and supply water within the City of Biddeford and Town of York is conferred upon said district by this act except to the extent of the legal rights therein now held and enjoyed by said York County Water Company.

**Sec. 9. Valid contracts of York County Water Company to be assumed.** All valid contracts now existing between said company and any persons or corporations for supplying water shall be assumed and carried out by said Kennebunk, Kennebunkport and Wells Water District.

**Sec. 10. Bond issue authorized.** For accomplishing the purposes of this act said water district is hereby authorized and empowered, through its trustees, to issue its bonds to an amount sufficient to procure funds to pay the expenses incurred in the acquisition of said plant, property and franchises of said company as aforesaid, for further extensions, additions and improvements of said plant and to refund any bonds or other indebtedness assumed by said district under this act. 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 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. The 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 water rates.

**Sec. 11. Water rates; sinking fund.** All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water 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 for maintaining the water system and provide for such extensions and renewals as may become necessary.

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 or 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. Provided, however, that the trustees may, in their discretion and in lieu of the establishment

of a sinking-fund, issue the 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 each year.

**Sec. 12. Exempt from taxation.** The property of said district shall be exempt from taxation.

**Sec. 13. Incidental powers and privileges granted.** 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. 14. Subject to local referendum; procedure.** This act shall take effect when approved by a majority vote by ballot of the inhabitants of each of the towns of Kennebunk and Kennebunkport at special meetings called for the purpose and held not later than the first day of December, nineteen hundred and twenty-one, and also by a majority vote by ballot of the inhabitants of said district in said Town of Wells qualified to vote in town affairs at a meeting of said inhabitants to be called and held in the manner hereinafter provided not later than said first day of December. The clerk of the Town of Wells, upon the written application of ten or more inhabitants of said district, within said town, shall issue his warrant which shall be directed to any constable of said town, directing him to notify and warn the inhabitants of said district within said town, qualified as aforesaid, to assemble at the town hall in said town, or at some other suitable and convenient place, at such reasonable time as he may direct to choose a moderator to preside at said meeting; to vote upon the acceptance of this act; to elect a trustee of said district, and to transact such other business as may properly come before said meeting. Such warrant shall be posted and return made thereon, in the manner provided for warrants for town meetings. In case said clerk shall refuse or unreasonably neglect to call such meeting, it may be called by any justice of the peace in said district upon similar petition. The clerk of the Town of Wells shall be clerk ex-officio of all meetings of the inhabitants of said district in said town and shall make and preserve a record of all such meetings as the records of said town are made and preserved. This act shall take effect ninety days after the final adjournment of the legislature so far as necessary to empower the calling and holding of all of said meetings. The approval of this act in the manner provided by this section shall constitute an acceptance by said water district of the methods of appraisal prescribed by section seven hereof and shall bind said water district and said water company thereto.

**Sec. 15. Certain sections inoperative unless systems of York County Water Company is acquired.** Sections two, three, four and eight of this act shall be inoperative, null and void, unless said water district

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shall first acquire by purchase, or by the exercise of the right of eminent domain, as in this act provided, the plant, property and franchises, rights and privileges now held by the York County Water Company.

**Sec. 16. Expenses, how borne.** All costs and expenses arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section seven.

Approved April 9, 1921.

## Chapter 160.

An Act to appropriate moneys for the expenditures of the Government and for other purposes for the Year from July First, Nineteen Hundred and Twenty-two to June Thirtieth, Nineteen Hundred and Twenty-three.

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

**Sec. 1. Appropriations July 1st, 1922-June 30, 1923.** In order to provide for the several acts and resolves of the legislature requiring the payment of moneys from the state treasury, and also to provide for the necessary expenditures of government and for other purposes, for the current fiscal year from July first, nineteen hundred and twenty-two to June thirtieth, nineteen hundred and twenty-three, the following sums are hereby appropriated out of any moneys in the state treasury, and except where otherwise specially provided, the governor with the advice of the council, is hereby authorized at any time prior to the thirty-first day of December, nineteen hundred and twenty-three, to draw his warrant on the state treasurer for the same.

### ADJUTANT GENERAL'S DEPARTMENT.

For salary and clerk hire, four thousand four hundred sixty-six dollars and sixty-seven cents, c. 117, § 26, r. s., p. l. 1921.	\$4,466.67
For general office expenses, three thousand dollars, p. and s. l. 1921.	3,000.00
For military fund, ninety-five thousand dollars, c. 259, § 91, p. l. 1917, p. l. 1921.	95,000.00
For armory rentals, fifteen thousand dollars, c. 259, § 93, p. l. 1917, p. l. 1921.	15,000.00
For extra pay for Spanish War Veterans, sixty-six dollars, res. 1921.	66.00

### ATTORNEY GENERAL'S DEPARTMENT.

For salaries and clerk hire, eleven thousand sixty-seven dollars, c. 117, § 8, r. s.	11,067.00
For general office expenses, three thousand five hundred dollars, p. and s. l. 1921.	3,500.00