

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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Private and Special Laws

OF THE

STATE OF MAINE

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trict (one only, elected to serve for five years) are to be nominated and placed on the ballot and voted for in the same manner as is above provided in case of the first election, and the votes are to be canvassed and determined in like manner, and the trustee elected is to receive his certificate and take the oath as above provided, but no candidate's name shall be placed on the ballot unless petitioned for by at least one hundred of the legal voters in the city, determined as aforesaid; provided, however, that in all elections after the first (special) one the heading of the ballots for trustee of the Bridge District shall be "For Trustee of the Bangor Bridge District to serve five years," with instruction to the voter as hereinbefore provided, except that it shall state "Vote for one only." The one receiving the largest number of votes determined as aforesaid, shall be elected.

Sec. 17. Emergency clause. (Not effective as no emergency declared in preamble.) Pursuant to the emergency features set forth in the preamble, this act shall take effect when approved.

Approved April 12, 1927.

Chapter 115.

An Act to Incorporate the Howland Sewerage and Water District.

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

Sec. 1. Corporate limits; name; purposes. That part of the territory in the town of Howland, in the county of Penobscot, embraced within the limits described as follows: Beginning at the south bank of the Run-Round, so-called, in said town of Howland at the point of juncture where said Run-Round leaves the west bank of the Penobscot river; thence in a straight line from said point of juncture to the northeast corner of the Piscataquis River Lot numbered 24, as shown in R. Gilmore's survey of the town of Howland, recorded in Penobscot registry of deeds in plan book number one; thence in a straight line by the north boundary line of said lot numbered 24 to a point in the east bank of the Piscataquis river where said boundary line meets said east bank; thence crossing said Piscataquis river in a straight line from said last mentioned point to a point on the west bank of the Piscataquis river, which latter mentioned point is the point on said west bank of said Piscataquis river where the boundary line between Piscataquis River Lots numbered 21 and 22 (according to said Gilmore's survey) touches said west bank of the Piscataquis river at the shore thereof; thence in a straight line by and on said boundary line to its southerly end between said lots numbered 21 and 22;

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thence from the point made by said southerly end of said boundary line between said lots numbered 21 and 22 in a straight line to a point made by the intersection of the easterly boundary line of Piscataquis River Lot numbered 25 (according to said Gilmore's survey) and the southerly side of road or highway leading from Howland to Lagrange in said county of Penobscot; thence from said last mentioned point in a straight line to the boundary line between Penobscot River Lots numbered 6 and 7 (according to Gilmore's survey), which are on the south side of the Piscataquis river, to a point in said last mentioned boundary line where the northwest corner of the Emerson cemetery, so called, in said town of Howland, intersects and is located upon said boundary line; thence from said point last mentioned in a straight line by and on the boundary line between said lots numbered 6 and 7 to the Penobscot river; thence by and along said river to the place of beginning together with the inhabitants within said territory, is hereby created a body politic and corporate by the name of the Howland Sewerage and Water District, for the purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of said district, and for the purpose of supplying the inhabitants of said district, and other persons reasonably accessible as hereinafter provided, with pure water for domestic, mercantile and municipal purposes.

Sec. 2. Powers; right of eminent domain. For the purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of said district, the said district is hereby authorized and empowered to: Acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid and is hereby authorized to take and hold by purchase, lease or the exercise of the right of eminent domain, as hereinafter provided, or otherwise any land or real estate or easement therein necessary for forming basins, reservoirs and outlets; for erection of buildings for pumping works, and for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters and for other objects necessary, convenient and proper for the purposes of this act.

Liability for damages. Said district shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the taking of any land or easements therein, under the provisions of this act; and if any person or corporation sustaining damages as aforesaid, and the said district shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause his or its damages to be ascertained in the same manner and under the same conditions and

limitations as are by law prescribed in the case of damages resulting from the laying out of highways.

Authorized to discharge sewage into Penobscot river; may build pumping stations, etc.; may fix rates and rentals; may enter and dig up streets. Said district may lay pipes, and construct conduits in manner aforesaid in and through said district to and into the Penobscot river, the discharge therefrom to be at such point or points in said Penobscot river as shall be most reasonable and convenient for said district, and convey through the same sewerage, surface water and the natural flowage of existing water courses, and secure and maintain basins, reservoirs and outlets; may build and maintain pumping stations and buildings convenient for same; may construct and maintain flush tanks, man-holes, lamp holes, and such usual appliances for collecting, holding, distributing and disposing of sewerage matters; may provide water for such flush tanks and for flushing said system of sewers and for any other purposes for which said district may deem the same desirable, and install all pipes and necessary structures and appliances to this end; may establish through and by its trustees regulations for the use of sewers and fix and collect the prices to be paid for entering the same, and also the annual rentals for using thereof; and said district is hereby authorized for the purposes aforesaid, to lay down, in and through the streets, highways and lands of said district, and take up, replace and repair all such conduits, pipes, and fixtures as may be necessary or desirable for the objects of its incorporation; to carry and lay conduits and pipes under any water course, way, public or private, or railroad in the manner prescribed by law, and to cross any drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct the use thereof, and to enter and dig up any such streets, road or way, for the purpose of laying pipes beneath the surface thereof for placing man-holes or other fixtures and for maintaining or repairing the same, and in general to do any other acts or things necessary, convenient and proper to be done for the purpose of this act.

Abutting owner may enter sewer. Said district at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon its lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said Village Corporation, and payment of the prices and rentals established therefor.

Injury to property prohibited; penalty. Any person who shall place or leave any offensive or injurious matter or material on or in the con-

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duits, catch-basins or receptacles of said district contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch-basin, man-hole, lamp hole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act, shall pay twice the amount of the damages to said district to be recovered in any proper action; and such person on conviction of either of said acts or wilful injury aforesaid, shall be punished by a fine not exceeding two hundred dollars, and by imprisonment not exceeding one year.

Liability for injuries on highways. Said district shall be liable to any person injured by any fault of said district or its agents, or any defects in the highway occasioned by the construction of the works, i. e., sewer system, of said district during said construction or after the same has been completed or while the same shall be undergoing repairs or extensions are being made; and said district shall also be liable to the said town of Howland for any and all costs, damages and expenses which said town may suffer or be put to, by reason of the default, neglect, negligence or carelessness of said district or of any of its officers, servants or agents in creating, maintaining or repairing said sewer system.

R. S., c. 22, secs. 5 to 11 relating to assessment of abutting owners made applicable. Sections five to eleven inclusive of chapter twenty-two of the revised statutes shall apply to sewers and drains constructed hereunder by said district and the acceptance of this charter by the legal voters within the limits of said district as is hereinafter provided, shall constitute an acceptance of said sections, as an acceptance is prescribed and contemplated by section twelve of said chapter twenty-two. In the application of said sections five to eleven, the trustees of said district shall perform all acts and duties and be subject to all responsibilities of municipal officers as prescribed by said sections.

Designation of notes and bonds. In case said district shall borrow money and issue therefor its notes or bonds for the specific purpose of erecting, instituting, constructing, managing, maintaining or improving a sewerage system, as it is provided it may do by section four of this act, such notes or bonds shall be designated as "Howland Sewerage and Water District Sewerage Notes," or "Howland Sewerage and Water District Sewerage Bonds," as the case may be.

Establishment of rates; purposes of application of revenues. All individuals, firms, and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said trustees for the entrance and use of said sewer system, and said rates shall be uniform within the territory served by said district. Said rates shall be

so established by said trustees as to provide revenue for the following purposes:

I. To pay the current running expenses for maintaining said sewerage and drainage system and provide for such extensions and renewals as may become necessary in the ordinary course of business, but not including extraordinary or unusual extension for which bond issues may be deemed advisable by the trustees.

II. To provide for the payment of the interest on the indebtedness of the district incurred on account of or in behalf of the creation, installation, construction, management, maintenance or improvement of said sewerage system.

III. To provide a sum each year equal to not less than one per cent nor more than five per cent of the aggregate principal of outstanding notes and bonds issued on account of or in behalf of said sewer and drainage system as aforesaid, which sums shall be turned into a sinking-fund to provide for the final extinguishment of said sewerage system funded debt. The money set aside for the sinking-fund shall be devoted to the retirement of said notes and bonds or invested in such securities as savings banks are allowed to hold. The treasurer is authorized and empowered to create a fund to be known as the "Howland Sewerage System Loan Sinking Fund," and to keep and deposit therein all moneys and securities received each year under paragraph III of section two of this act. And no part of said fund shall at any time be available or be used for any other purpose than to extinguish said sewer system funded debt, until said debt shall have been extinguished.

IV. If any surplus remains at the end of the year, it may be turned into the sinking-fund.

Provided that until said district shall create and maintain a sewer and drainage system as above provided, it may contract with any firm, individual or corporation to furnish such sewer and drainage service.

Sec. 3. District authorized to maintain water supply plant; right of eminent domain; may cross railroads. For the purpose of supplying the inhabitants of the district, and other persons reasonably accessible as hereinafter provided, with pure water for domestic, mercantile and municipal purposes, the said district is authorized and empowered to take, detain, collect, store, hold, divert, use and distribute sufficient water from the Piscataquis river; to take and hold as for public uses, by purchase, lease or the exercise of the right of eminent domain as hereinafter provided, any land or real estate, or water rights in the county of Penobscot

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reasonably necessary and convenient for the construction and maintenance of dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures and equipment, for taking, collecting, holding, distributing, purifying, discharging and disposing of water, and for rights of way or roadways, to its sources of supply, dams, power-stations, reservoirs, stand-pipes, mains, aqueducts, structures and lands. In case of the crossing of any 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 all such crossings, and all work done 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 said district.

Liability for damages. Said district shall be liable for all damages that shall be legally sustained by any person or corporation in their property by the taking of any land whatsoever, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams or constructing reservoirs. If any person sustaining damages as aforesaid and said district 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 resulting from the laying out of highways.

Authorized to lay pipes in streets. Said district is hereby authorized to lay in and through the streets and highways thereof, 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.

May supply water outside district. Said district may supply water for any of the purposes of its incorporation to such persons or corporations outside of the geographical limits of the district as in the judgment of its trustees are reasonably accessible to its mains, and can be profitably and economically served without detriment to the interests of the district, and may establish through and by its trustees regulations for the use of water and fix and collect rates for the use thereof as hereinafter provided.

Designation of notes and bonds. In case said district shall borrow money and issue therefor its notes or bonds, for the specific purpose of creating, installing, constructing, managing, maintaining, or improving a water supply system, as it is provided it may do in section four of this act, such notes or bonds shall be designated as "Howland Sewerage and Water District Water Supply Notes," or "Howland Sewerage and Water District Water Supply Bonds," as the case may be.

Establishment of rates; purposes of application of revenues. All individuals, firms and corporations, whether private, public, or municipal, shall pay to the treasurer of said district the rates established by its trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district. Said rates shall be so established by said trustees as to provide revenue for the following purposes:

I. To pay the current running expenses for the maintaining of the water system, and provide for such extensions and renewals as may become necessary in the ordinary course of business, but not including extraordinary or unusual extensions for which bond issues may be deemed advisable by the trustees.

II. To provide for the payment of the interest on the indebtedness of the district incurred on account of or in behalf of the creation, installation, construction, maintenance or improvement of said water supply system.

III. To provide each year a sum equal to not less than one or more than five per cent of the aggregate principal of outstanding notes and bonds issued on account of or in behalf of said water supply system as aforesaid, which sum shall be turned into a sinking-fund to provide for the final extinguishment of said water supply system funded debt. The money set aside for the sinking-fund shall be devoted to the retirement of said notes and bonds, or invested in such securities as savings banks are allowed to hold. The treasurer is hereby authorized and empowered to create a fund to be known as the "Howland Water Supply System Loan Sinking Fund" and to keep and deposit therein all moneys and securities received each year under this paragraph III of section three of this act and no part of said fund shall at any time be available or be used for any other purpose than to extinguish said water supply system debt, until said debt shall have been extinguished.

IV. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Provided that until said district shall create and maintain a water sup-

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ply system as above provided, it may contract with any firm, individual or corporation to furnish such water supply.

Sec. 4. Authorized to borrow money and to issue notes and bonds; declared a quasi-municipal corporation; obligations legal for savings banks. For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money temporarily and to issue therefor the interest-bearing negotiable notes of the district, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expense incurred in the creation of the district, in securing sources of supply, acquiring or taking water and land, paying damages, laying pipes and conduits, constructing, maintaining and operating a watering plant and sewerage plant, and making extensions, additions and improvements to the same, and for the purpose of raising the amount of money required to accomplish the various purposes contemplated by this act, to wit, the construction of a sewerage and drainage system and a water supply system, and the accomplishment of all other things necessary, useful or incidental thereto, the said district through its trustees, may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees therefor. Said notes and bonds 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 of 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. 5. Incidental powers 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. 6. Trustees; how elected; annual meeting; organization of board; by-laws; annual report. All the affairs of said sewerage and water district shall be managed by a board of trustees composed of six members to be chosen by ballot by the legal voters within said district, the first election to be at the meeting of the legal voters of said district to be called to accept this act, two to serve until the annual meeting to be held in nineteen hundred and twenty-eight, two to serve until the annual meeting to be held in nineteen hundred and twenty-nine, and two to serve until the annual meeting to be held in nineteen hundred and thirty. Whenever the term of office of a trustee shall expire, the legal voters of said district shall elect a successor to serve for a full term of three years, and if any other vacancy occurs it may be filled in like manner for the unex-

pired term. Upon the election to office of any trustee or trustees hereunder, the municipal officers of the town of Howland shall forthwith declare the fact of such election and file due certificate thereof with the town clerk of said town. The annual meeting and election of officers shall be on the second Monday of March in each year. 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 Howland, and organize by the election of a chairman, a clerk and a treasurer, adopt a corporate seal, and when necessary, may choose and appoint all other needful officers and agents for the proper management of the affairs of said district. The treasurer shall be required to furnish an adequate bond for the protection of said district. Said trustees may procure an office and incur such expenses as may be necessary. Each trustee shall receive in full compensation for his services, such sum or sums as shall be provided for in the by-laws of said district.

The said 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 its affairs within said district, in which case said by-laws and provisions so adopted, shall extend to said 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 said district called for the purpose.

At the close of each fiscal year the trustees shall make a detailed report of their doings of the receipts and expenditures of said 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 Howland on or before the first day of February in each year. The report of said trustees shall be printed by the municipal officers of the town of Howland in their yearly report.

Sec. 7. Local referendum provided for; procedure; form of ballot. This act shall take effect when accepted by a majority vote of the legal voters within said Howland Sewerage and Water District, voting at a meeting to be specially called and held for the purpose on or before the first day of August, nineteen hundred and twenty-seven and Matthew N. Twombly, F. W. Smart, W. H. McKay, and E. A. Dekin, or either of them, are hereby authorized to call said meeting. The board of registration shall make and provide a separate check list of each of the voters

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within said Howland Sewerage and Water District as are then legal voters of said town and all warrants issued to said voters shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration shall not be required to prepare or the town clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said session. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Howland Sewerage and Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the selectmen of Howland and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 8. Effective date. This act shall take effect in ninety days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the election authorized by section seven as herein provided for.

Sec. 9. Existing statutes not affected; subject to provisions of R. S., c. 55. 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.

Approved April 12, 1927.

Chapter 116.

An Act to Incorporate the Marshall Dam and Improvement Company.

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

Sec. 1. Corporators; corporate name. D. M. Marshall, G. D. Marshall, E. M. Spinney, R. M. Sterling and E. L. Sterling, their associates, successors and assigns, are hereby incorporated under the name of The Marshall Dam and Improvement Company, with all the powers and privileges of similar corporations.

Sec. 2. Authorized to build dams, piers, etc.; right of eminent domain