

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Private and Special Laws

OF THE

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commission upon like application, at intervals of not less than three years. The decisions of the public utilities commission fixing said proportions of payments shall be final and binding upon all of said railroad companies, and the payments required to be made by them respectively to said terminal company either by such agreement or decisions shall be deemed part of their operating expenses, and the supreme judicial court or any justice thereof shall have jurisdiction in equity to compel such payments to be made, either by mandatory injunction or by other suitable process.'

Approved March 11, 1929.

Chapter 31.

An Act to Dissolve the Somerset Railway Company and the Washington County Railway Company.

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

Dissolution declared. The Somerset Railway Company and the Washington County Railway Company are hereby dissolved, the purposes for which said corporations have been regarded as subsisting, under the provisions of chapter seventy of the private and special laws of nineteen hundred and eleven, having been fully accomplished.

Approved March 11, 1929.

Chapter 32.

An Act to Change the Name of Ward Pond in the Town of Sidney, Maine, to Ward Lake.

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

Ward lake. From and after the date when this act takes effect, the name of Ward pond in the town of Sidney, Maine, shall cease and the same thereafter shall be called and known by the name of Ward lake.

Approved March 11, 1929.

Chapter 33.

An Act to Create the Gray Water District.

Emergency preamble. Whereas the inhabitants of the town of Gray in the county of Cumberland have no public water supply and the built up portions of said town are in danger of destruction in case of fire, and the inhabitants of said town are unable to procure a satisfactory supply of pure water for domestic and sanitary purposes, and

Whereas in the opinion of the legislature these facts render the imme-

diate passage of this act necessary for the preservation of the public peace, health and safety, and constitute an emergency within the meaning of the constitution,

Now, therefore,

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

Sec. 1. Territorial limits; corporate name; purposes. Subject to the provisions of section thirteen hereof, the following described territory and the people within the same, namely, so much of the town of Gray as lies west of the location of the Maine Central Railroad in said town shall constitute a public municipal corporation under the name of "Gray Water District" for the purpose of supplying said town of Gray, and the inhabitants of said town and the village corporations therein located, with pure water for domestic, manufacturing, sanitary and municipal purposes.

Sec. 2. Sources of supply. The said district for effecting and carrying out the purposes of its incorporation may retain, collect, take, store, use and distribute water from any springs, ponds, streams or other water sources in said town of Gray.

Sec. 3. Right of eminent domain. The said district for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase or otherwise, any lands or interests 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 and disposing of water and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and land.

Sec. 4. Authorized to lay pipes, etc., through public ways and across private lands. The said district is hereby authorized to lay in and through the streets, roads, ways, highways and bridges in said town of Gray, 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, roadway 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. Authorized to erect and maintain dams and reservoirs. Said water district is hereby authorized for the purposes of its incorporation to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes.

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Sec. 6. Procedure in exercise of right of eminent domain. In exercising the 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 Cumberland county 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 names of the owners thereof, if known. If 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 taking and file a new description thereof, and in such case the district is liable in damages only for the 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 said filing, whereupon possession may be had of all such lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

Sec. 7. Adjustment of damages. If any person sustaining damages by any taking as aforesaid shall not agree with the district upon the sum to be paid therefor, either party upon petition to the county commissioners of Cumberland county may have such damages assessed by them. The procedure and all subsequent proceedings and right of appeal therefrom shall be had under the same restrictions, conditions and limitations as are or may be by law designated in the case of damages by the laying out of highways.

Sec. 8. Crossing of railroads. In case of any crossing of railroads, 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 such district, the public utilities commission shall, upon petition setting forth a description of said premises and the reasons for said crossing after notice given as said commission may prescribe, 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 of the railroad company and to the satisfaction of said company, but at the expense of said water district, unless otherwise ordered by said public utilities commission.

Sec. 9. Management of affairs of district; election of officers; ballot; trustees meeting. All the affairs of said district shall be managed by a board of trustees composed of five members who shall be residents in the district. The trustees to be so elected shall be chosen by a plurality

vote of the legal voters within said district, voting at an election to be specially called for the acceptance of this act and the election of said trustees on the first Monday of May, nineteen hundred and twenty-nine. Such special election shall be called, advertised and conducted according to the law relating to municipal elections in said town, except as otherwise provided herein. Provided, however, that the municipal officers in said town of Gray shall not be required to prepare for posting, or the town clerk thereof to post, a new list of voters, but for the purpose of registration of voters said municipal officers shall be in session for 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 said municipal officers to verify the corrections of said lists, and to complete and close up their records of said session. All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five qualified voters within said water district. Each voter signing the nomination paper shall make his signature in person and add to it his place of residence, and each voter may subscribe to as many nominations as there are trustees to be elected and no more. Such nomination papers shall, before being filed, be submitted to the town clerk of the town of Gray, who shall forthwith certify thereon what number of the signatures are names of qualified voters in said district; one of the signers to each such separate paper shall swear to the truth thereof and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with said town clerk at least seven days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall be filed the consent in writing of the person or persons nominated. All nomination papers being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid, and if not in apparent conformity they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the town clerk, which may be pasted in proper place upon the ballots, and thereafter shall become part and parcel of said ballots as if originally printed thereon.

The ballot shall be substantially as follows: It shall contain the names of all candidates so nominated printed in one column under the heading,

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"For Trustees of Gray Water District." Above such heading shall be printed "Vote for five (or such number as may be appropriate) trustees. Make a cross to the right of each name voted for." As many blank spaces shall be left after the names of the candidates as there are trustees to be elected, in which the voter may by writing insert the name or names of any person or persons for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) against and to the right of such names on such ballot as he desires to vote for, not to exceed the number of trustees so to be elected. If the voter shall desire to vote for any person or persons whose name or names are not on the printed ballot, he may fill in such name or names in the blank spaces left therefor by writing the same therein. Where the voter so adds by writing in such new name or names, his vote for such new name or names shall be counted therefor although he may fail to mark a cross against the same. The result of such election shall be declared by said municipal officers, and due certificate thereof filed with the town clerk. The term of office of the trustees shall begin on said first Monday of May.

As soon as convenient after the members of said board have been so chosen, said trustees shall hold a meeting at the selectmen's office in said town of Gray, to be called by one of said trustees upon reasonable notice therefor as he deems proper. They shall 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. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. At said first meeting the trustees so elected shall determine by lot the term of office of each trustee, so that one trustee shall retire each year and whenever the term of office of a trustee expires, his successor shall be elected by a plurality vote by the inhabitants of said district, and upon nomination made as herein provided for the first election of trustees, and for the purpose of such election a special election shall be called and held on the first Monday of May in each year, the same to be called in the manner hereinbefore provided for the first election of trustees. The trustee so elected shall serve the full term of five years; and in case any vacancy arises in the membership of the board of trustees, it shall be filled in like manner for the unexpired term by special election to be called by the municipal officers for the town of Gray. When any trustee ceases to be a resident of the district, he shall vacate such office of trustee and the vacancy shall be filled as aforesaid. All such trustees shall be eligible to re-election, but no person holding the office of selectman or road commissioner in the town of Gray shall be eligible to nomination or election

as trustee. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services in whatever capacity an allowance of fifty dollars per annum and no more. 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 report to be made and filed with the municipal officers of said town of Gray.

Sec. 10. Temporary loans negotiated; issue of bonds. For accomplishing the purposes of this act, said water district through its trustees is authorized to borrow money temporarily and to issue therefor the negotiable notes of the district, and for the purpose of refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of a district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making renewals, extensions, additions and improvements to the same, and protecting the water shed, the said water district through its trustees may from time to time issue bonds of the district to an amount or amounts 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 of the provisions of said section shall be applicable thereto. Said notes and bonds shall be legal investments for savings banks.

Sec. 11. Contracts for supplying water. Said water district is hereby authorized to make contracts with the town of Gray and with corporations and inhabitants of said town of Gray, or any village corporation therein for the purpose of supplying water as contemplated by this act, and the town of Gray by its selectmen or any village corporation therein by its proper officers is hereby authorized to enter into a contract with said district for a supply of water for public uses on such terms and for such time as the parties may agree, which contract when made shall be legal and binding on all parties thereto and said town of Gray or any village corporation therein for said purposes may raise money in the same manner as for other municipal charges.

Sec. 12. Water 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 water used by them;

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and the rates for water so supplied shall be uniform within the territory supplied by the district whenever the installation and maintenance of mains and the cost of service is substantially uniform, but nothing in this act shall preclude said district from establishing higher rates than the regular rates in sections where for any reason the cost of construction and maintenance or the cost of service exceeds the average, but such higher rates shall be uniform throughout the sections where they apply. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the water system.
2. To provide for the payment of the interest on the indebtedness created or assumed by 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 created or assumed by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of such indebtedness. 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.
4. If any surplus remains at the end of the year, it may be transferred to the sinking fund.

Sec. 13. Incidental rights and privileges. All incidental rights, powers and privileges necessary to the accomplishment of the main object herein set forth are granted to the public municipal corporation hereby created.

Sec. 14. Acceptance subject to referendum. This act shall not take effect unless accepted and approved by a majority vote of the legal voters within said water district voting at an election specially called and held for the purpose by the selectmen of the town of Gray, on the first Monday of May, nineteen hundred and twenty-nine, as provided in section nine. Said selectmen shall be in session the three secular days next preceding said special election for the purpose of revising the lists as provided in section nine hereof. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Gray 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 and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 15. Qualified voters. In all elections hereunder the selectmen of the town of Gray shall exclude from their lists and from all check lists the legal voters who are resident outside the territorial limits of said water

district as defined in this act, and all warrants issued for elections shall be varied accordingly to show that only the voters resident within the territorial limits of said water district are entitled to vote hereunder.

Sec. 16. R. S., c. 55, to govern. 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 all acts amendatory thereof or additional thereto.

Sec. 17. Emergency clause. In view of the emergency recited in the preamble hereof, this act shall take effect when approved.

Approved March 11, 1929.

Chapter 34.

An Act to Change the Name of Birch Island in Sebago Lake to Grey Boulder Island.

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

Grey Boulder island. That the name of Birch island, so-called, in Sebago lake, in the town of Casco, county of Cumberland, be changed to Grey Boulder island, by which name it shall hereafter be known and called.

Approved March 11, 1929.

Chapter 35.

An Act Relating to Appropriations for Public and Private Hospitals.

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

Sec. 1. Appropriations for emergency charges to be expended by public welfare department. That there be appropriated for the fiscal year ending June thirtieth, nineteen hundred and thirty, the sum of one hundred and sixty thousand dollars, and for the fiscal year ending June thirtieth, nineteen hundred and thirty-one, the sum of one hundred and sixty thousand dollars, for the necessary care and medical and surgical treatment, at a rate not to exceed two dollars and fifty cents per day per patient, in addition to any necessary emergency charges that may be approved by the state department of public welfare, in or by public or private hospitals, of certain classes of persons whose resources, or the resources of whose responsible relatives as defined by section eighteen of chapter twenty-nine of the revised statutes, are insufficient to pay for same. All said moneys shall be expended under the direction of the state department of public welfare,