

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

STATE OF MAINE

As Passed by the Eighty-Fourth
Legislature

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any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 6. Term of office, officers, boards. All officials, officers, trustees, or members of departments, hereafter to be appointed or elected under the provisions of this charter by the town manager or by the board of selectmen or by the qualified voters of said town, whose term of office has not been herein otherwise provided for, shall not serve out their present terms, but shall continue in office only until their successors are appointed or elected, and qualified, as provided in this act.

Sec. 7. Inconsistent acts repealed. In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 28, 1929.

Chapter 81.

An Act to Amend Chapter Two Hundred and One of the Private and Special Laws of Nineteen Hundred and Eleven, Entitled An Act to Incorporate the Guilford Water District.

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

Sec. 1. P. & S. L., 1911, c. 201, sec. 1; relating to incorporation of Guilford Water District, amended. Section one of chapter two hundred and one of the private and special laws of nineteen hundred and eleven is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sec. 1. Territory defined; name. The following territory and the people within the same, namely, all that part of the town of Guilford which lies in lots seven, eight and nine, range one, and lots seven, eight and nine, range two, and so much of lot six, range one, as lies west of Maxfield brook, and that part of the town of Parkman lying east of land of Peter F. Morin, which said part includes the homesteads of Etta Perkins, Gardiner Foss, Estella Watson and Clarence B. Farrar, and such additions as may be made from time to time, and that part of Sangerville embraced within the following limitations, namely, beginning at the northwest corner of lot number two, range one, thence southerly on the line between lots one and two to the range line between ranges two and three; thence easterly along said range line to its intersection with the lot line between lots six and seven in range two; thence northerly to the Guilford town line; thence westerly on said Guilford town line to the point of beginning, which territory includes the villages of Guilford and

Sangerville, shall constitute a public municipal corporation under the name of the Guilford and Sangerville Water District, for the purpose of supplying the inhabitants of said district with water for domestic, sanitary, commercial, industrial and municipal purposes.'

Sec. 2. P. & S. L., 1911, c. 201, sec. 2; relating to acquiring plant of Guilford Water Company, amended. Section two of said chapter two hundred and one is hereby amended by adding, in the fourth line after the word "company," the words 'and of the Sangerville Water Supply Company,' and by striking out everything in said section after the word "district" in the eighth line, so that said section as amended will read:

'Sec. 2. Rights of Sangerville Water Company included. Said water district is hereby authorized and empowered to acquire by purchase the entire land, property and franchises, rights and privileges now held by the Guilford Water Company and the Sangerville Water Supply Company within said district, including all lands, rights of way, waters, water rights, dams, reservoirs, standpipes, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said Guilford Water Company and of said Sangerville Water Supply Company used or usable in supplying water in said district.'

Sec. 3. P. & S. L., 1911, c. 201, sec. 3; relating to rights given corporation, amended. Section three of said act is amended by striking out all the words in said section and inserting in place thereof the following:

'Sec. 3. Davis pond and south branch of Piscataquis river in Abbot, included; authorized to maintain laws, etc.; take lands; sewerage system; laying of pipes. For any of the purposes aforesaid or for the preservation and purity of said water, said corporation is hereby authorized to take and use water, from Bennett pond, so called, in the town of Parkman, and also from Davis ponds at North Guilford in said town of Guilford, or from the south branch of the Piscataquis river in the town of Abbot, to conduct and distribute the same into and through the town of said Guilford and the town of said Sangerville, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes, mains or aqueducts over or under any water course, bridge, street, railroad, highway or other way; and said corporation is further authorized to enter upon and excavate any highway or other way in such manner as least to obstruct the same; said district is further authorized to provide, construct, operate and maintain a system of sewerage or drainage for the comfort, convenience and health of the inhabitants of said district, with all the rights, privileges and immunities incidental to similar corporations; provided, however, that it

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shall not construct any system of drainage or sewerage without first having submitted its plans to the public utilities commission and obtaining the approval of said commission under power vested by chapter ninety-eight of the public laws of nineteen hundred and seventeen. The said district is authorized further to enter, pass over and excavate any lands, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. And said district is further authorized, for the purpose of making all needed repairs or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same or dig therein.'

Sec. 4. P. & S. L., 1911, c. 201, sec. 4; relating to taking water, land, etc., amended. Section four of said chapter is hereby amended by striking out all the words thereof and inserting in place thereof the following:

'**Sec. 4. Rights of purchase.** Said district may purchase from the towns of Guilford and Sangerville, or either of them, and said towns are hereby authorized to sell and convey to said district, any pipes, mains, apparatus, equipment, facilities or means used or useful in the accomplishment of the purposes of said district which said towns, or either of them, now own.'

Sec. 5. P. & S. L., 1911, c. 201, sec. 6; relating to liability for damages, amended. Section six of said act is hereby amended by striking out said section in its entirety and inserting in place thereof the following:

'**Sec. 6. Acquisitions by right of eminent domain; filing of petition; hearing; appraisers; aggrieved party may take exceptions.** The said district, for effectuating the purposes of its incorporation, is authorized to purchase or to take and hold for public uses by the exercise of the right of eminent domain, which right is hereby delegated to said district, the entire plant, property, franchises, rights, immunities and privileges now owned by the Guilford Water Company and the Sangerville Water Supply Company, including all buildings, pipes, standpipes, reservoirs, machinery, fixtures, hydrants, tools, apparatus and appliances owned by said Guilford Water Company and said Sangerville Water Supply Company, and any land or interest therein, or water rights necessary for erecting and maintaining dams for flowage, for storage or for pumping its water supply, for reservoirs or standpipes, for preserving the purity of the water supply and water shed, for laying and maintaining aqueducts and other structures, for rights of way or roadways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts and other structures, used or usable in the carrying out of its purposes. In the event that said district exercises the right of eminent domain for the taking of the lands

and property of the Guilford Water Company and the Sangerville Water Supply Company, or either of them, said district, through its trustees, is hereby authorized to take said plants, property and franchises of said Guilford Water Company and said Sangerville Water Supply Company, or either of them, as for public use, by petition therefor in the manner hereinafter provided. The said trustees, acting for and in the name of said district, may file a petition in the clerk's office of the supreme judicial court for the county of Piscataquis, in term time or in vacation, addressed to any justice of said court, who after due notice to said Guilford Water Company and said Sangerville Water Supply Company, or either of them, and other mortgagees, if any, shall, after hearing and within sixty days after the filing of said petition, or such further time as the justice hearing such case may grant upon motion of either party, appoint three disinterested appraisers, none of whom shall be residents of towns constituting said district, for the purpose of fixing a valuation of said plant, property and franchises. Said petition, after being filed, shall not be withdrawn or dismissed except with the consent of said companies or either of them, in respect of the proceedings against it. At the hearing aforesaid, said justice, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, 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 companies, or either of them, shall file in the clerk's office of the supreme judicial court for the county of Piscataquis, 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 thirty, with the rate charged therefor; Second: Copies of all contracts in force on said first day of January, nineteen hundred and thirty; Third: An itemized statement of the gross income earned during 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

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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 its just compensation for all the same. The first day of January, nineteen hundred and thirty, 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 determination 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

the 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 Guilford Water Company and the Sangerville Water Supply Company, or either of them, 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 Guilford Water Company and said Sangerville Water Supply Company, or either of them, 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; provided, that if any part of said property is subject to any bond, mortgage or other incumbrance attaching also to other property, the court may order the property so taken to be vested in the water district free of such lien and make provision for the application of the purchase money for the security of the owners of such bonds or other claims, in lieu of the lien on the property.

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

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determining the value of the property and if they shall be so directed by the court. In the event that said district shall exercise the right of eminent domain for the taking of land and property of persons, firms or corporations other than the Guilford Water Company and the Sangerville Water Supply Company, or either of them, said district shall file in the registry of deeds in the county of Piscataquis plans of the location of all land and water rights so taken under the provisions of this section, and no entry shall be made upon any lands, except to make surveys, until the expiration of ten days from said filing. Said district is hereby given the right of eminent domain, in the exercise of which, except as to the lands and property of the Guilford Water Company and of the Sangerville Water Supply Company hereinbefore specifically provided for, the said district shall file in the office of the county commissioners of Piscataquis county and record in the registry of deeds in said county, plans of location of all lands or interests therein or water rights to be taken, with appropriate descriptions and names of owners thereof. 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 lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor. 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 Piscataquis county, may have such 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 by law prescribed from time to time, in the case of damages by the laying out of highways.'

Sec. 6. P. & S. L., 1911, c. 201, sec. 7; relating to manner of crossing railroad, amended. Section seven is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sec. 7. Consent of railroad company; public utilities commission may determine. 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 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 and to the satisfaction of said railroad company, but at the expense of said district.'

Sec. 7. P. & S. L., 1911, c. 201, sec. 9; relating to affairs to be managed by board of trustees, amended. Section nine of said act is amended by striking out all of said section and inserting in place thereof the following:

'Sec. 9. Five trustees; how elected; organization; tenure of office; eligibility; compensation; annual report. All the affairs of said water district shall be managed by a board of trustees composed of five members, all of whom shall be residents of said water district, and shall be elected in manner following: The board of selectmen, town clerk, and treasurer of Guilford, shall elect two of said board of trustees who shall be residents of that part of said Guilford comprised within the limits of said district, and the board of selectmen, town clerk, and treasurer of Sangerville, shall elect two of said board of trustees who shall be residents of that part of Sangerville comprised within the limits of said district, and the joint boards of selectmen, town clerks and treasurers aforesaid shall elect one of said board of trustees. As soon as convenient after said board of trustees has been so elected, said trustees shall hold a meeting and organize by the election of a president, and a clerk, adopt a corporate seal, and, when necessary in their judgment, 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 two shall serve for one year, two for two years, one for three years, and whenever the term of office of a trustee expires, his successor shall be elected in manner aforesaid to serve for the full term of three years, and in case of any vacancy it shall be filled in like manner for such unexpired term. All said trustees shall be eligible to re-election, but no selectman of either of said towns of Guilford or Sangerville, town clerk or treasurer of either of said towns shall be eligible to such office; said trustees may also ordain and establish such by-laws as they deem necessary for their own convenience and the proper management of the affairs of said district, and may procure an office and incur such expense as they deem necessary. Said trustees shall receive in full compensation for services the sum of fifty dollars annually, or such less sum as said district may at any legal meeting prescribe. At the close of each fiscal year said 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 said towns of Guilford and Sangerville.'

Sec. 8. P. & S. L., 1911, c. 201, sec. 10; relating to trustees may borrow

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money and issue notes, amended. Section ten of said chapter is amended by striking out all of said section and inserting in place thereof:

'Sec. 10. Authorized to borrow money and issue negotiable notes; bonds; legal investments. For accomplishing the purposes of this act said water 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, or paying any necessary expenses and liabilities incurred in the creation of the district, in acquiring the properties and franchises of the Guilford Water Company and the Sangerville Water Supply Company, or of either of them, as hereinbefore set out, and paying any damages on account of taking any land or rights in land or laying pipes, constructing, maintaining and operating a water plant, and making renewals, extensions, additions and improvements to the same, 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 the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.'

Sec. 9. P. & S. L., 1911, c. 201, sec. 12; relating to all necessary rights and powers granted, amended. Section twelve is amended by adding after the word "created" in the third line the words 'the property of said district shall be exempt from taxation in the towns of Guilford and Sangerville,' so that said section twelve as amended will read:

'Sec. 12. Property exempt from taxation. All incidental powers, rights and privileges necessary in the accomplishment of the main purpose herein set forth are granted to the public municipal corporation hereby created. The property of said district shall be exempt from taxation in the towns of Guilford and Sangerville.'

Sec. 10. P. & S. L., 1911, c. 201; further amended. Said chapter two hundred and one of the private and special laws of nineteen hundred and eleven, is further amended by adding the following sections:

'Sec. 15. Construction defined. Wherever the Guilford Water Company and the Sangerville Water Supply Company are referred to in this act, all provisions herein contained shall be construed to refer to and include their respective successors and assigns and any corporation in or with which they or either of them may have been merged or consolidated.'

'Sec. 16. Acquisition of properties necessary to make act valid. If said water district shall fail to acquire the plant, properties, franchises, rights and privileges owned by said Guilford Water Company and Sangerville Water Supply Company, aforesaid, by purchase, or to file its petition to take the same by the exercise of the right of eminent domain as hereinbefore provided, in either case before the first day of July, nineteen hundred and thirty-one, this act shall become null and void. Said district shall not begin to furnish water under this act until it shall have acquired the properties of said Guilford Water Company and Sangerville Water Supply Company, as hereinbefore provided.'

'Sec. 17. Inconsistent acts repealed; provisions of R. S., c. 55, to apply; exceptions. Such parts of the charter of the Guilford Water Company expressed in chapter two hundred and twenty-six of the private laws of nineteen hundred and nine as are inconsistent herewith are hereby repealed. All the rights and duties herein mentioned shall be exercised and performed in accordance with the applicable provisions of chapter fifty-five of the revised statutes and acts amendatory thereof and additional thereto, except that in the event of any action before a court having jurisdiction to enforce any contract of sale of the plant and property of the said Guilford Water Company and the Sangerville Water Supply Company, or of either of them, the provisions of section forty of chapter fifty-five of the revised statutes, relative to the securing of an order authorizing the sale of property necessary or useful in the performance of duties to the public shall not apply and said court having jurisdiction may make appropriate decrees without reference to such provisions of section forty.'

Approved March 28, 1929.

Chapter 82.

An Act to Incorporate The Maine Foundation.

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

Sec. 1. Corporators; corporate name; purposes. William Tudor Gardiner of Gardiner, Scott Wilson of Portland, William R. Pattangall of Augusta, Blin W. Page of Skowhegan, William B. Skelton of Lewiston, Kenneth C. M. Sills of Brunswick, Clifton D. Gray of Lewiston, Franklin W. Johnson of Waterville, Harold S. Boardman of Orono, William B. Kendall of Bowdoinham, Ernest L. McLean of Augusta, Arthur G. Staples of Auburn, Henry W. Cushman of Bangor, Walter S. Wyman of Augusta, Joseph W. Simpson of York Harbor, Hiram W. Ricker of South Poland, Guy P. Gannett of Portland, William T. Cobb of Rockland, Arthur W. Crafts of Greenville, Henry E. Dunnack of Augusta, Robert Hale of