

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 423.

An Act to incorporate the Hallowell Water Commissioners.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Hallowell
Water Com-
missioners.

Sect. 1. The mayor and aldermen of the city of Hallowell, in office when this act shall take effect, and their successors, to be thereafter elected in accordance with such ordinances as may be ordained therefor, are hereby created a body corporate and politic, by the name of the Hallowell Water Commissioners, and as such shall have a common seal, and power to sue and be sued. The Hallowell Water Commissioners shall elect a president from among their own number, and shall elect a clerk, and choose such other officers as the city council of the city of Hallowell may hereafter designate by ordinance. The city treasurer of the city of Hallowell, for the time being, shall be treasurer, ex-officio, of the Hallowell Water Commissioners, and shall keep the accounts of the money received and disbursed by him as treasurer of the city, separate and distinct from those of the money received and disbursed by him as treasurer of said Hallowell Water Commissioners.

—seal.

—officers.

Duties shall
be pre-
scribed by
city council.

Sect. 2. The powers and duties of said Hallowell Water Commissioners, as to in matters of detail, shall be prescribed by such ordinances as the city council of Hallowell may, from time to time, ordain.

Authorized
to issue
bonds.

Sect. 3. The Hallowell Water Commissioners are hereby authorized to issue the bonds of the corporation, to be known as the Hallowell Water Commissioners' bonds, at such rates and on such times as may be approved by the city council and for such amount as the city council may approve, not exceeding seventy-five thousand dollars; and the proceeds of the sale of said bonds shall be used exclusively for the purpose of paying such floating indebtedness as may be incurred by the city of Hallowell in the purchase and extension of a system of water works, under chapter two hundred and eighty of the private and special laws for eighteen hundred and ninety-five, and for such future extensions and improvements as may be approved by the city council.

—proceeds
shall be ex-
pended for
extension of
water
works.

City au-
thorized to
convey wa-
ter works
in trust to

Sect. 4. The city of Hallowell is hereby authorized, when its city council so votes, to convey to the Hallowell Water Commissioners, the corporation hereby created, in trust, such

system of water works as may be purchased by said city of the Hallowell Water Company, under the provisions of said chapter two hundred and eighty of the private and special laws of eighteen hundred and ninety-five, together with all additions, extensions and improvements then made to said system of water works, for the sole purpose of securing the payment of the bonds issued under the provisions of section three of this act, and for no other purpose. Said Hallowell Water Commissioners may hold said property in trust for said purpose. And said system of water works shall be holden for the payment of said bonds and their coupons, and said bonds and their coupons shall constitute a first lien thereon; and said lien shall not be impaired by said city or by said Hallowell Water Commissioners until all said bonds and coupons issued hereunder shall have been paid and said trust discharged.

com-
missioners.

—bonds
shall con-
stitute lien.

Sect. 5. In case of default in the payment of any of said bonds, or the coupons attached thereto, when due, any holder thereof may petition the supreme judicial court for the county of Kennebec, by bill in equity, for the benefit of himself, as well as for the benefit of all other holders of said bonds, and said court may enforce said lien, by appointment of receiver and by sale of said property, according to the usual practice in equity proceedings.

Proceed-
ings, in case
of default in
payment of
bonds.

Sect. 6. The rates for the supply of water, charged and collected by said Hallowell Water Commissioners, shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest on the cost of the purchase and building of said system of water works by the said city, and on the cost of all extensions thereto, and in addition thereto, not less than one per cent of said principal expenditures. But the amount assessed upon the city for fire or hydrant service shall not exceed in gross or per hydrant a reasonable rate.

Rates, how
fixed.

Sect. 7. Said Hallowell Water Commissioners shall create a sinking fund for the bonds by them issued, and shall invest the one per cent of the principal expenditures mentioned in section six of this act, in such securities as savings banks in this state are by law authorized to invest in. Any surplus of the receipts of said Hallowell Water Commissioners remaining at the end of the municipal year after paying for all repairs, operating expenses, extensions and interest charges as aforesaid, and said one per cent for the sinking fund, said Hallowell Water Commissioners shall likewise invest as aforesaid, and place in said

Shall
create a
sinking
fund.

CHAP. 423
—purposes.

Savings
banks may
invest in
bonds.

City may
assume in-
debtedness
and issue
bonds.

Commis-
sioners shall
not sell or
mortgage
property.

All duties
and powers
not con-
ferred on
commis-
sioners,
shall vest
in city.

—liability
of city for
damages.

Act shall
take effect,
when ac-
cepted by a
two-thirds
vote.

—how meet-
ings shall
be held and
conducted.

sinking fund. And said Hallowell Water Commissioners may, when necessary, reinvest any of said securities. Said sinking fund and its accumulations shall be held solely for the purpose of redeeming and paying the principal of said bonds. Said city treasurer shall be the custodian of the sinking fund.

Sect. 8. Bonds issued under the provisions of this act may be purchased and held by savings banks in this state.

Sect. 9. The city of Hallowell may assume the indebtedness represented by said bonds whenever it can constitutionally do so, by exchanging its own bonds for the bonds issued under the provisions of this act, and said bonds shall so provide. Bonds so providing shall be deemed negotiable. Whenever all of the indebtedness is thus assumed by the exchange of bonds, or whenever said bonds and their coupons are all paid, said trust shall thereupon be discharged, on petition of said city of Hallowell, or said Hallowell Water Commissioners, to the supreme judicial court for the county of Kennebec, sitting in equity, and said property shall be reconveyed to said city of Hallowell, discharged of said trust.

Sect. 10. Said Hallowell Water Commissioners shall not sell, mortgage, or in any way dispose of said property, but shall hold the same solely for the purposes of the trust provided for by this act.

Sect. 11. All duties and powers necessary to be exercised with respect to said system of water works, not hereby conferred upon said Hallowell Water Commissioners, or by any ordinances to be hereafter ordained by said city, shall be vested in the city of Hallowell. The city of Hallowell, and not said Hallowell Water Commissioners, shall be liable for all damages occasioned under the provisions of sections one, two, three, four, five and six of said chapter two hundred eighty of the private and special laws of eighteen hundred and ninety-five, and for such other defaults as said city would have been liable for, had not the trust herein provided for been created.

Sect. 12. This act shall take effect whenever approved by a two-thirds vote of the votes cast by the legal voters of the city of Hallowell at a meeting of the citizens thereof qualified to vote in city affairs, requested, warned and held as provided by the charter of said city. A moderator shall be chosen. The city clerk shall be clerk of such meeting and shall record the proceedings thereof. At such meetings the polls shall be opened at ten o'clock in the forenoon and closed at four o'clock

in the afternoon. The vote shall be by written ballot and the ballots shall be counted and declared in open meeting. The board of registration of said city shall be in session during such meeting and shall determine the qualification of any one claiming the right to vote, if in dispute. The preceding sections of this act, however, shall not take effect unless the city of Hallowell fully complies with all the provisions and conditions contained in sections eleven and twelve of chapter two hundred and eighty of the private and special laws of the year eighteen hundred and ninety-five.

Sect. 13. For the purposes of section twelve, this act shall take effect when approved.

Approved March 10, 1897.

CHAP. 424

—qualifications of voters.

Act shall not take effect, unless city complies with conditions.

For purpose of submission, act shall take effect, when approved.

Chapter 424.

An Act to provide for the retirement of Police Officers of the City of Portland upon half pay.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

The city council of the city of Portland are hereby authorized to provide by ordinance, for the retirement of police officers who may have been honorably discharged from the police force of the city of Portland by reason of having arrived at the age of sixty-five years, or by reason of permanent injuries or permanent physical incapacity, which is the result of an incident of service upon said police force, upon a pension not exceeding half pay.

Retirement and pensioning of police officers of Portland.

Approved March 10, 1897.

Chapter 425.

An Act to incorporate the Mechanic Falls Trust and Banking Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sect. 1. B. M. Fernald, George O. Goodwin, O. B. Dwinal, J. W. Penney, C. R. Pulsifer, E. A. Gammon, F. O. Purington, L. H. Moulton, S. S. Waterhouse, W. W. Denning, S. E. King, Gideon Bearce, F. R. Glover, I. W. Shaw, Horace Purinton, C. W. Purinton, or such of them as may by vote accept this charter, with their associates, successors and assigns are

Corporators.