

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1258

S. P. 584

In Senate, March 3, 1949

Referred to Committee on Public Utilities. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Hopkins of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT to Create the Waterville Sewerage District.

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

Sec. 1. Incorporation. The territory and people comprising the city of Waterville shall constitute a body politic and corporate under the name of the "Waterville Sewerage District." The purpose of said district shall be to take over, control, manage and operate the sewers now owned by the city of Waterville with all appurtenances thereto; to extend, increase, enlarge and improve said drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of the city not now served with such facilities; to provide for surface drainage as well as removal of sewage and to provide for treatment of sewage in whole or in part before discharging it into rivers when, as and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage and storm water drainage for public purposes and for the health and comfort and convenience of the inhabitants of said district.

Sec. 2. Authority to acquire and hold property; right of eminent domain conferred. Upon acceptance of this act as hereinafter provided, title to all public drains and sewers in the city of Waterville shall pass to and vest in said district; and 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. The district 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 sewage treatment and for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewage matter and rain water and for other objects necessary, convenient and proper for the purpose of this act, and all of such property, wherever located shall be exempt from taxation.

Sec. 3. Procedure in exercise of right of eminent domain. The commissioners hereinafter provided for said district may exercise the right of eminent domain vested in said district for the purposes of this act after hearing, notice of the time and place of the said hearing having been given by publication in the Waterville Morning Sentinel for 2 weeks previous to the time appointed for said hearing, and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor. Upon the signing of said record of said commissioners, and the filing of the same in the registry of deeds for the county of Kennebec, said commissioners may enter upon such land and take possession of the same or an easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said commissioners, as it relates to the damages for land or easements therein so taken, shall have the same rights of appeal as are provided in the case of the laying out of towns ways.

Sec. 4. Right to lay pipes and other particular rights enumerated. Said district may lay pipes and construct conduits in manner aforesaid in and through said district and convey through the same sewage, 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 treatment plants, flush tanks, manholes, storm water inlets and such usual appliances for collecting, holding, distributing and disposing of sewage and storm water; may supply 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 commissioners regulations for the use of sewers and fix and collect the prices to be paid for entering same, and also the service charges for the use thereof; and said district is hereby authorized, for the purposes aforesaid, to lay down, in and through the streets, highways and land 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 herein and to cross any water pipe, gas pipe, electric conduit, drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct its use by the construction of any of the works of said district, either during such 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 be liable to the city of Waterville, public utilities and private persons for any and all costs, damages and expenses which each may suffer or be put to by reason of the default, neglect, negligence or carelessness of said district or any of its officers, servants or agents in creating, maintaining, repairing or extending said sewerage system. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

Where the character of the work of said district is such as to endanger travel on any street or way, said city of Waterville shall direct the temporary closing of such streets or ways, and of intersecting streets or ways, upon request of said district, and such streets or ways shall remain closed to public traffic until the work of said district is completed and the surfaces of said streets or ways are restored to a proper condition, as hereinbefore set forth.

Sec. 5. Abutting owners have right to enter. 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 sewage, upon conformity to the rules and regulations of said Waterville Sewerage District and payments of the prices and rental established therefor. The district shall have the right to determine whether extensions to its system shall

be made, subject to the authority of local and state health officials, the sanitary water board and the public utilities commission; and shall determine the method of assessment of the cost of such extensions and charges for the use thereof.

Sec. 6 Sanitary provisions and penalty for violation. Any person who shall place or discharge any offensive or injurious matter or material on or into the conduits, catch-basins or receptacles of said district contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch-basin, inlet, manhole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act, shall be liable to 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 of wilful injury aforesaid, shall be punished by a fine not exceeding \$200 and by imprisonment not exceeding 1 year.

Sec. 7. Management. All the affairs of said district shall be managed by a board of 5 commissioners, resident therein, who shall be appointed by the mayor of the city of Waterville, with the approval of a majority of the city council. In the 1st appointment of commissioners hereunder, 1 shall be selected for a term of 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years and 1 for 5 years. Two of the commissioners shall be appointed from the minority political party. All subsequent appointments shall be so made as to continue 2 commissioners from the minority party. At the expiration of the term of each member, a new member of the board shall be appointed by the mayor, with the approval of the majority of the city council, for a term of 5 years. In case of a vacancy arising from death or other cause, the mayor may appoint, with the approval of a majority of the city council, a new member to fill out the unexpired term. As soon as convenient after the 1st members of the board have been appointed they shall hold a meeting at the city rooms in the city of Waterville and organize by the election from the members of a chairman, clerk and treasurer, who shall furnish bond in such form as the commissioners may fix, and by the election of such other officers and agents as they deem necessary, which other officers and agents shall serve at the pleasure of said commissioners. They shall also adopt a corporate seal and all by-laws and regulations necessary. The commissioners shall meet monthly, and specially as may be necessary, and each shall receive compensation of \$5 for each regular or special meeting attended; provided, however, that the total annual compensation of each shall not exceed \$100. They shall publish an annual report.

Sec. 8. Authority to borrow money. For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said district, through its commissioners, without district vote, is authorized to issue its notes and bonds in 1 series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of \$1,000,000. Said notes and bonds shall be a legal obligation of said district which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944 and all the provisions of said section are applicable thereto; shall be a legal investment for savings banks in the state of Maine; and shall be exempt from all present taxes. Each bond or note shall have inscribed on its face the words "**Waterville Sewerage District Bond**" or "**Waterville Sewerage District Note**", as the case may be, and shall bear interest at such rates as the commissioners shall determine. If said bonds or notes be issued from time to time, each authorized issue shall constitute a separate loan. Each loan payable in annual amounts of principal, beginning not more than 1 year from its date and made to run for such period as said commissioners shall determine.

All bonds or notes issued by said district shall bear the district seal, and shall be signed by the treasurer and countersigned by the chairman of the commissioners of said district, and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer.

All bonds issued by said district may be issued with or without provisions for calling the same for payment before maturity, and in case of such call provisions, with or without provision for the payment of a premium, not to exceed 5% of the principal upon such call.

Sec. 9. Sinking fund provided for; issue of refunding bonds authorized. In case any of said bonds or notes are made to run for a period of years, a sinking fund shall be established by the commissioners of said district for the purpose of redeeming said bonds or notes when they become due, and not less than 1% of the aggregate principal of the outstanding sinking fund bonds or notes issued on account of or in behalf of said sewerage district, as aforesaid, shall be turned into said sinking fund each year, to provide for the final extinguishment of said district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of said district become due, or can be purchased by said commissioners on favorable terms, said commissioners shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds, and cancel them. In no case shall bonds so cancelled or redeemed be reissued.

In case the amount in said sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said commissioners.

Sec. 10. Rates; application of revenue; sinking fund. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates and assessments established by said commissioners to pay for the cost of the works and for the service used by them; and said rates shall be uniform within the territory supplied by the district, and subject to the approval of the public utilities commission. Said rates shall be so established as to provide revenue for the following purposes:

- I.** To pay the current expenses for operating and maintaining the sewerage system.
- II.** To provide for the payment of the interest on the indebtedness created or assumed by the district.
- III.** To provide each year a sum equal to not less than 1% of the entire indebtedness created or assumed by the district, which sum shall be turned into the sinking fund and there kept to provide for the extinguishment of said indebtedness. Provided, however, that the commissioners 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 1% of the amount of the bonds so issued shall mature and be retired each year.
- IV.** If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 11. Existing statutes not affected; rights conferred subject to provisions of law. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of the existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all applicable provisions of chapter 40 of the revised statutes of 1944 and all acts amendatory thereof and additional thereto.

Sec. 12. Referendum; effective date; return to secretary of state. This act shall take effect 90 days after the adjournment of the legislature, only

for the purpose of permitting its submission to the legal voters of the city of Waterville at the next regular city election, or at a special city election called and held for the purpose at the regular voting places of the city by the officers of the city of Waterville authorized to call such special election. Such special election shall be called, advertised and conducted according to the law relating to such municipal elections and shall be held before the next regular election; provided, however, that the board of registration in said city shall not be required to prepare for posting, nor the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days preceding such election, the first 2 days 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 their records of said sessions. A check list shall be used at such election. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Waterville Sewerage District be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the city clerk with the secretary of state.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 25% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election.