

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1188

H. P. 1629

House of Representatives, March 8, 1951

Reported by Mr. Albee from the Committee on Public Utilities. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Creating a Sewer System for Town of Winthrop.

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

Sec. 1. P. & S. L., 1923, c. 98, § 1, amended. Section 1 of chapter 98 of the private and special laws of 1923 is hereby amended by adding at the end thereof a new paragraph, to read as follows:

‘Said body shall be constituted also for the purpose of providing adequate sewage facilities for the collection, discharge and disposition of sewage as may be necessary for the convenience and health of the inhabitants of said district; provided, however, that the district shall not construct any system of sewage without first having submitted its plans to the public utilities commission and obtained its advice therefor in writing, under power vested in said commission by section 13 of chapter 40 of the revised statutes of 1944.’

Sec. 2. P. & S. L., 1923, c. 98, § 2, repealed and replaced. Section 2 of chapter 98 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

‘Sec. 2. Powers of Winthrop Water District. The said district, for the purpose of its incorporation, is hereby authorized to take, hold, divert,

use and distribute water from Narrows pond, so-called, in said Winthrop, and from Lake Maranacook in the towns of Winthrop and Readfield, either or both, and from any surface or underground brooks and springs in said Winthrop, and to do any and all things necessary in providing a system of sewage for public purposes and for the health, comfort and convenience of the inhabitants of said district.'

Sec. 3. P. & S. L., 1923, c. 98, § 3, repealed and replaced. Section 3 of chapter 98 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

'Sec. 3. May exercise eminent domain. The said district, for the purposes of its incorporation, is hereby authorized to take and hold as for public uses, real estate and personal property, and any interest therein necessary for such purposes, by purchase, lease or otherwise, and is hereby authorized to exercise the right of eminent domain as hereinafter provided, to acquire for such purposes any land, or interest therein, or water rights necessary for erecting and maintaining dams, plants and works, for flowage, for power, for pumping, for supplying water through its mains and for a sewage system, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures for taking and distributing water, for forming basins, reservoirs and outlets in a sewage system, for erection of buildings, for pumping works, for use therein, for laying pipes and sewers and maintaining the same, and for laying and maintaining conduits for carrying, collecting, discharging and disposing of sewage, for filtering, rectifying, treating and disposal plants, works and facilities, for such other objects necessary, convenient and proper for the purposes of its incorporation, and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures, plants, works, facilities and lands. Provided, however, nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized herein or by subsequent act of the legislature or 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 said 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.'

Sec. 4. P. & S. L., 1923, c. 98, § 5, repealed and replaced. Section 5 of chapter 98 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

'Sec. 5. Authority as to dams, reservoirs, sewers. The said 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; to take into, receive and convey through its sewer pipes, conduits and system, all sanitary sewage; to 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 the use thereof, to carry and lay conduits and pipes under any water course, and cross any drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct the use thereof, and in general to do any other acts or things necessary, convenient and proper to be done for the purpose of its incorporation.'

Sec. 5. P. & S. L., 1923, c. 98, § 13, repealed and replaced. Section 13 of chapter 98 of the private and special laws of 1923, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 13. District authorized to borrow money and issue notes; may issue bonds; district declared to be a quasi-municipal corporation. 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 paying or refunding the indebtedness so created, of paying any necessary expenses or liabilities, incurred under the provisions of this act, including the expenses incurred in the creating of the district, in acquiring the plants, properties and franchises of said Hillside Water Company, of the Winthrop Water Company, of the Towle Packing Company and of said Carleton, by purchase or otherwise or in the purchase or acquisition of the properties and franchises of said defendant companies and of said Carleton, of securing sources of supply, taking water and lands, paying damages, laying pipes, constructing, maintaining and operating a water plant and a sewage system 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 judgement of the trustees aforesaid, provided however, that bonds for sewerage facilities shall not exceed the sum of \$250,000. Said notes and bonds shall be legal obligations of the water district, which is hereby declared to be a quasi-municipal corporation within the meaning of sections

132 and 133 of chapter 49 of the revised statutes of 1944, and all the provisions of said sections shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks. Prior to the issuance of such bonds, an advertisement of the proposed issue shall be inserted in the Kennebec Journal and also in a newspaper of large circulation published in Boston, Massachusetts; the bonds shall be awarded to the lowest bidder provided he shall be able to meet the terms required by the trustees who shall reserve and have the right to reject any and all bids. All bonds shall be made calleable; whenever any bonds or notes issued by said district may become due and can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased or redeemed, and cancelled, be reissued.'

Sec. 6. P. & S. L., 1923, c. 98, § 15, repealed and replaced. Section 15 of chapter 98 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

'Sec. 15. Rates; application of revenues, sinking fund. The owner, or persons in possession, or against whom taxes are assessed, of all buildings intended for human habitation or occupancy, within 125 feet of a street in which there is a sewer maintained by the district, or if such buildings stand on premises which are benefited and to which sewer service is available within said distance shall connect said sewer in the most direct manner possible within 5 years or within such further time as its trustees may grant. All persons and corporations, whether public, private or municipal, shall pay to the treasurer of said district the entrance charges, rates, tolls, rents and other lawful charges established by the trustees for the sewer service used or to which such beneficial service is available with respect to their buildings. Rates shall be uniform within the district, and the rates, rules and regulations of the district shall be subject to the approval of the public utilities commission. The water and sewer rates shall be so established as to provide revenue for the following purposes:

- I. To pay the current expenses for operating and maintaining the water system and sewage system.
- II. To provide for the payment of the interest on the indebtedness created by the district.
- III. To provide each year a sum equal to not less than $\frac{1}{2}$ of 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the

extinguishment of said 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.

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

Sec. 7. P. & S. L., 1923, c. 98, § 20, additional. Chapter 98 of the private and special laws of 1923 is hereby amended by adding thereto a new section, to be numbered 20, to read as follows:

'Sec. 20. Legal structures. The location of all the pipes and hydrants of this district in the public highways and streets of the town of Winthrop are hereby validated and declared legal and the same shall henceforth be legal structures in said streets and highways until the location thereof shall be changed in any manner required or authorized by law.

Sec. 8. Referendum. 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 territory embraced within the limits of said district, present and voting at a special election called and held for the purpose on petition therefor signed by at least 20 legal voters resident within said district or at an annual municipal election of the town of Winthrop. Such special election or annual municipal election shall be held not later than 1 year after the effective date of this act. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Winthrop shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the secular day next preceding such special election. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act Creating a Sewer System for Town of Winthrop be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority vote of the legal voters of the territory of the district voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor in said district at the next previous gubernatorial election. The result in said district shall be declared by the municipal officers of the town of Winthrop and due certificate filed by the town clerk with the secretary of state.