

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

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H. P. 61

Office of the Clerk of the House

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HARVEY R. PEASE, Clerk

Presented by Mrs. Lincoln of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Create the Bethel Utilities District.

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

Sec. 1. Incorporation. All the territory within the Town of Bethel, in the County of Oxford, and all the inhabitants within said territory shall constitute a body politic and corporate under the name "Bethel Utilities District." The purpose of said district shall be to supply the inhabitants of said district with pure water for domestic, sanitary, agricultural, commercial and all lawful municipal purposes and to acquire, construct, maintain and operate within the district a sewerage system, and to extend and improve the same, all for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 2. Powers. The district is authorized to acquire, construct, maintain and operate a sewerage system and water system, including drains, and sewerage treatment or disposal plants and to reconstruct, repair, extend and improve the same and to do any and all things necessary in providing a system of sewerage and drainage as aforesaid. Said district is hereby vested with all the powers, rights, privileges and immunities incident to similar quasi-municipal corporations and as may be necessary for the accomplishment of the purposes for which it is created.

Sec. 3. Transfer of water system of town; authority to acquire and hold property and the right and procedure of eminent domain conferred. Thirty days after acceptance of this act as hereinafter provided, title to all the public property owned by the Town of Bethel and incorporated into the water system in any part of said town, shall pass to and vest in said district, and said district shall maintain and operate the same except as hereinafter provided. For the purpose

of providing a water system and a sewer system for the health, comfort and convenience 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, subject with respect to the property acquired from the Town of Bethel to all duties and obligations of said town with respect thereto, which duties and obligations are to be assumed by said district.

The said district, for the purposes of its incorporation, is authorized to take and hold for public uses, by purchase, lease or the exercise of eminent domain or otherwise, any land or real estate or easement therein necessary, convenient and proper to accomplish the aforementioned powers and purposes of this act; and all such property, wherever the same shall be located, shall be exempt from taxation. 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 by subsequent act of the Legislature, except that the said district, for the purposes of its incorporation is authorized to acquire title to the public water system now owned by the Bethel Water Company from said company or its successors or assigns. Property shall be acquired by exercise of right of eminent domain when necessary as provided by the Revised Statutes of 1954, chapter 90-B, section 6, as enacted by section 1 of chapter 359 of the public laws of 1959 except that, in the event of any dispute with the district concerning the just compensation for property taken, an appeal will lie solely to the Public Utilities Commission. For this purpose "just compensation" shall mean value in use or cost of reproduction less depreciation.

In case of any crossing of any public utility, unless consent is given by the company owning and 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. Power to lay and maintain pipe. The district is authorized to lay through the streets, highways and land of the district, and take up, replace and repair all such pipe, conduit, flow control devices and other fixtures as may be necessary or desirable for the objects of its incorporation.

Sec. 5. Abutting owners. Every public or private building on premises abutting on a street, way or highway in which there is a public sewer, or within 100 feet of a public sewer, shall have a domestic sewerage collection system which shall be connected with the public sewer by the owner or agent of the premises in the most direct manner possible, and, if feasible, with a separate connection for each house or building, and every such connection shall be in conformity with the rules and regulations of the district.

Sec. 6. Management. All the affairs of the district shall be managed by a board of trustees which shall be composed of the selectmen of the Town of Bethel, and they shall be sworn to the faithful performance of their duties.

Vacancies on the board of trustees shall be filled by the same method as vacancies on the board of selectmen. The trustees shall, as soon as convenient after the acceptance of this act, appoint a district manager who shall exercise general supervision over the affairs of the district and serve as district treasurer and who shall serve at the pleasure of the trustees. The manager as district treasurer shall furnish bond in such sum and with such sureties as the trustees may approve. The trustees may also elect such other officers as they deem necessary and establish such regulations and by-laws as are necessary for the proper management of the affairs of the district.

Sec. 7. Authorized to negotiate loans; issue notes and bonds. For accomplishing the purposes of this act and for such other expenses as may be necessary or proper to carry out said purposes, the district, through its trustees, with town vote, is authorized to issue notes and bonds of the district as provided by the Revised Statutes of 1954, chapter 90-A, section 14, as enacted by the public laws of 1957, chapter 405, section 1.

Sec. 8. Rates, tolls, rent, assessments, entrance charges; use of revenue. Assessments may be made by the district in accordance with the provisions of the Revised Statutes of 1954, chapter 96, sections 130 to 132, as amended by chapter 405, section 18 of the public laws of 1957 except that any assessment may, if deemed necessary, exceed $\frac{1}{2}$ of the cost of such installation.

All individuals, firms and corporations whether public, private or municipal corporations and persons served shall pay to the treasurer of said district the entrance charges, rates, rents, assessments and other lawful charges established by the trustees for the sewer or drainage service and the water used, or to which such beneficial service is available with respect to their lots or parcels of land; and in determining real estate interests, "real estate" as defined in the Revised Statutes, chapter 91-A, section 4, as enacted by the public laws of 1955, chapter 399, section 1, may be applied by the trustees.

Rates, rents, assessments, entrance charges and other lawful charges shall be uniform within the territory served by the district whenever the installation and maintenance of the sewer and water systems and their appurtenances and the cost of service is substantially uniform; but nothing in this act shall preclude the district from establishing a higher or lower rate rent or entrance charge than the regular rate, rent, assessment or entrance charges in sections where, for reasons of construction and maintenance or cost of service varies substantially from the average; but such higher or lower rates, rents, assessments or entrance charges shall be uniform throughout the sections where they apply.

The rates, tolls, rents, assessments and entrance charges shall be so established as to provide revenue for the following purposes:

- I.** To pay current expenses for operation and maintaining a sewerage system and a water system;
- II.** To provide for the payment of interest on the indebtedness created by such systems;
- III.** To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by said district, which sum shall be

turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of said district, and may be invested in such securities as savings banks in this State are allowed to hold:

IV. To provide a capital reserve fund for future construction as provided by the Revised Statutes of 1954, chapter 90-A, sections 17 and 18, the appropriation to the fund shall not exceed 10% of the total annual income of the district, and the fund may be permitted to accrue until such time as it equals 50% of the value of the district as computed on a basis of current cost of reproduction.

V. If any surplus remains at the end of the year, it shall be turned into the sinking fund, or capital reserve fund at the option of the trustees.

Sec. 9. Lien for payment of rates. There shall be a lien, to secure the payment of rates legally assessed, on real estate within the Town of Bethel which shall take precedence of all other claims on said real estate and interest, excepting only claims for taxes. The payment of rates, rents, charges and assessments shall be enforced in the same manner as provided for the enforcement of tax liens by chapter 91-A, section 88 and 89.

Sec. 10. Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature only for the purpose of permitting its submission to the qualified voters of the Town of Bethel at the next annual town meeting or at a special town meeting, an appropriate article being inserted in the warrant for said meeting. In the event that a special town meeting is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration 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 on the secular day next preceding any such special meeting.

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 to Create the Bethel Utilities District, passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; but only if the total number of votes cast for and against the acceptance of this act equals or exceeds 10% of the total vote cast in said town for all candidates for Governor at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Bethel and due certificate thereof shall be filed by the town clerk with the Secretary of State.

For the purpose of its submission to the voters of the Town of Bethel this act shall remain effective for a period of 7 years from the date of its passage, notwithstanding the fact that it may previously have been rejected by the voters of said Town of Bethel.