

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 726

H. P. 528

House of Representatives, January 24, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Cyr of Fort Kent.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Create the Fort Kent Sewerage District.

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

Sec. 1. Incorporation; limits of district. The following territory and the people within the same shall constitute a body politic and corporate under the name of the "Fort Kent Sewerage District."

The area of the district shall be as follows: Beginning at the International Bridge, following the bank of the St. John River in an easterly and northerly direction along said bank to the westerly line of the Peter Martin Farm, so called; thence in a southerly direction passing by houselot of Florent Gervais on Charette Hill road, continuing in a southerly direction passing the Safrase Michaud residence, so called, on the North Perley Brook Road, continuing in the same direction across to a point 1,000 feet east of Baxter School, so called, on the South Perley Road; thence in about the same southerly direction to homestead of the late Alexander Laferriere on State Highway No. 161; thence in a westerly direction across to the top of Austin Hill at the homestead of Fred Bard on State Highway No. 11; thence across in the same direction for 1,000 feet; thence in a northerly direction along said State Highway No. 11 and Pleasant Street to a point 1,500 feet south of the south line of the Bangor and Aroostook Railroad right-of-way; thence in a westerly direction at about the same distance along said right-of-way to the west line of the David Daigle and Sons lot, known as the Gordon Farm; thence in a northerly direction to the bank of the St. John River; thence easterly along the bank of said river to the International Bridge at the point of beginning.

The purpose of said district shall be to take over, by agreement, sewers now owned by the State, town, community school district and private citizens; to

control, manage and operate said sewers with all appurtenances thereto; to extend, increase, enlarge and improve said sewers so as to furnish sewerage facilities to portions of the district not now served with such facilities; to provide for removal of sewage and a system of sanitary sewerage 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 sewers in the Town of Fort Kent shall pass to and vest in said district, and said district shall maintain and operate same except as hereinafter provided. 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 authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid subject to all duties and obligations of the Town of Fort Kent with respect thereto, which duties and obligations are to be assumed by said district. The district is authorized to take and hold by purchase, lease or the exercise of the right of eminent domain, as hereinafter provided, or otherwise, any land, 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.

Nothing herein contained shall be construed as authorizing said sewer district to take by right of eminent domain any of the now existing sewers without the consent of a majority of the owners of said sewers or 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 thereto herein or by subsequent act of the Legislature.

Sec. 3. Procedure in exercise of right of eminent domain. The trustees 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 any paper published within the County of Aroostook 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 trustees and the filing of the same in the registry of deeds for the County of Aroostook, said trustees 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 trustees, 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 town 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 trustees regulations for use of sewers and fix and collect the prices to be paid for entering same, and also the service charges for the use thereof; may enter into contract with persons, corporations or municipalities outside the boundaries of the district to care for sewage or drainage through the districts system; and said district is 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 Town of Fort Kent, 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. The trustees of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the Town of Fort Kent. In case of crossing 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.

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 Fort Kent Sewerage District and payments of the prices and rental established therefor.

Sec. 6. Excavations and repair work, property to be left in good condition; liability for damages; closing of streets. Whenever said district shall enter, dig up or excavate any street, way or highway, or other land, within said district, for the purpose of laying pipes or conduits, constructing manholes or catch basins, or for the purpose of taking up, repairing, extending or maintaining any sewer, drain, manhole, catch basin or other structure or for any other purpose, said street, highway, way or other land shall, at the completion of the

work of said district, be returned to the condition said street, way, highway or other land was in prior to the work of said district, or to a condition equally as good, and said district shall be liable to any person, firm or corporation injured or damaged by any fault 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 Town of Fort Kent for any and all costs, damages and expenses which said town 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.

Where the character of the work of said district is such as to endanger travel on any street or way, said Town of Fort Kent 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. 7. Extensions. The district shall have the right to determine whether extensions to its system shall be made, subject to the authority of local and state officials, the Water Improvement Commission and the Public Utilities Commission. It shall have the power to make assessments for the cost of such extensions and charges for the use thereof.

Sec. 8. 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 the 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 willful injury aforesaid; shall be punished by a fine not exceeding \$200 and by imprisonment not exceeding one year.

Sec. 9. Board of trustees. All the affairs of said district shall be managed by a board of trustees composed of 3 members, who shall reside within the limits of the Fort Kent Sewerage District, to be appointed by the municipal officers of the Town of Fort Kent within 30 days after the acceptance of this act. As soon as convenient after the members of said board have been appointed, such trustees shall hold a meeting in the Town of Fort Kent and organize by the election of a president and clerk, adopt a corporate seal, choose a treasurer and, when necessary, all other needful officers and agents who, with the treasurer, shall serve at their pleasure and whose compensation shall be fixed by said trustees. Whenever a vacancy occurs in the office of president, clerk or treasurer it shall be promptly filled by said board of trustees. At the said first meeting they may determine by agreement, or failing to agree they shall determine by lot, the term of office of each trustee so that one shall retire each year and the term of office of the first trustee to expire shall end at the end of the municipal year of the Town of Fort Kent following the acceptance of this act; and thereafter, the term of office of a trustee shall expire with the

end of each municipal year. Whenever the term of office of a trustee expires, the body which appointed said trustee shall appoint a successor to serve the full term of 3 years, and in case any other vacancy arises from any cause, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district he vacates the office of trustee. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. The trustees may meet monthly and specially as may be necessary. They shall publish an annual report. Said trustees may procure an office and incur such expense as may be necessary. The treasurer shall furnish bond in such sum and with such sureties as they may approve. Members of the board shall be eligible to any office under the board.

Sec. 10. 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 trustees, without district vote, is authorized to issue its notes and bonds in one 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 \$100,000. Said notes and bonds shall be a legal obligation of said district, which is declared to be quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section 1, 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 "Fort Kent Sewerage District Bond" or "Fort Kent Sewerage District Note," as the case may be, and shall bear interest at such rates as the trustees shall determine. If said bonds or notes be issued from time to time, each authorized issue shall constitute a separate loan. Each loan may be payable in annual amounts of principal, beginning not more than one year from the date, and made to run for such period as said trustees shall determine.

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 any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provision of the Revised Statutes of 1954, chapter 44, and all all acts amendatory thereof or additional thereto.

Referendum; effective date; certificate 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 within said district, voting by ballot at an election to be specially called and held for the purpose within one year after the effective date of this act. The board of selectmen of the Town of Fort Kent shall call said election, to be held upon a date to be specified in writing by them. Said board of selectmen shall make and provide a separate check list for such of the voters within said district as are then legal voters therein, and all warrants issued to said district shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen shall not be required

to prepare nor the town clerk to post a new check list of voters, and for the purpose of registration of voters said board shall be in session the 2 secular days next preceding such election, the first day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Fort Kent Sewerage 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 immediately upon its acceptance by at least a two-third vote of the legal voters voting at such election; provided that the total vote for and against the acceptance of this act at said election equaled or exceeded two-third of the number of registered voters on the check list of said district.

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