

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 323

H. P. 245

House of Representatives, January 19, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Drigotas of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Amend the Charter of the Auburn Sewerage District.

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

Sec. 1. P. & S. L., 1917, c. 193, § 1, amended. Section 1 of chapter 193 of the private and special laws of 1917, as amended by section 1 of chapter 82 of the private and special laws of 1919, is further amended to read as follows:

'Sec. 1. Territorial boundaries; trustees to organize annually, choose president, clerk, treasurer and other officers and fix compensation. For the purpose of maintaining and extending the sewer system in the district hereinafter described, the territory and people constituting said district shall constitute a body politic and corporate under the name of the Auburn Sewerage District, in accordance with the subsequent provisions of this Act. ~~Said district shall be bounded, described and constituted as follows: All the territory and people constituting the city of Auburn except that portion of said city and the people residing therein within the following boundaries, to wit: Beginning at the junction of the Holland road so called with the South river road so called; thence westerly by said Holland road to its junction with the Old Danville road so called; thence southerly by said Old Danville road to its junction with the Pownal road so called; thence southerly by said Pownal road to the Durham town line; thence northeasterly by said Durham town line to the Androscoggin river; thence northerly by said Androscoggin river to a point opposite said Holland road; thence westerly to the junction of said Holland road and said South river road at the point of beginning. The district shall be bounded in the same manner and be constituted by the same people as the City of Auburn.~~ Said district shall have a common seal and power to sue and be sued. The affairs of said sewerage district shall be managed by a board of 6 trustees,

which in the first instance shall be the present members of the Auburn Water Commissioners. The trustees of the Auburn Sewerage District hereby created shall each hold office according to the respective terms of office which they now hold as members of the Auburn Water Commissioners, and upon the expiration of said terms of office one trustee shall thereafterwards be elected annually in the month of March by the city council of Auburn to serve for a term of 6 years. The city council may at any time fill any vacancy in said trustees caused by death, resignation or otherwise, or in the first instance by the refusal to act of any member or members of the Auburn Water Commissioners above denominated; in such case, however, the trustees so appointed shall hold office for the unexpired term of the member whose office is made or left vacant. **Any resident of the district may be appointed to serve as trustee except that no person holding the office of trustee may also be a member of the City Council of Auburn.** The mayor of the city for the time being shall be ex officio a trustee of the Auburn Sewerage District. Said trustees shall annually in the month of March, after the appointment by the city council of one member as herein provided, organize by electing one of their number president and by electing a clerk ~~and treasurer, and the compensation of said clerk and treasurer shall be fixed at such meeting,~~ treasurer and such other proper officers of the district as the trustees may designate, and the compensation of said clerk, treasurer and of such other officers shall be fixed at such meeting. Trustees of the Auburn Sewerage District shall qualify for office by taking oath for the faithful discharge of their duties before a justice of the peace, who shall make a record thereof, to be preserved in the records of the Sewerage District.'

Sec. 2. P. & S. L., 1917, c. 193, § 4, amended. Section 4 of chapter 193 of the private and special laws of 1917 is amended by adding at the end, a new paragraph, as follows:

'The district is also authorized to borrow money temporarily and to issue therefor the interest-bearing notes of the district. Such notes may be issued to enable the district to accomplish its various purposes as set forth in its charter and to repay existing notes.'

Sec. 3. P. & S. L., 1917, c. 193, § 6, amended. Section 6 of chapter 193 of the private and special laws of 1917 is amended to read as follows:

'Sec. 6. Sinking fund for redemption of bonds. The Auburn Sewerage District ~~shall~~ may create a sinking fund for the retirement of its bonded indebtedness by setting aside annually from its income a sum equal to at least 1% of its total bonded indebtedness. Said sinking fund shall be invested in such securities as savings banks of this State are authorized to invest in, and shall be held, together with its accumulations, for the sole purpose of redeeming and paying the principal of said bonds, **or it may issue its serial bonds to mature at such times as shall be fixed by the board of trustees subject to the permission and direction of the Public Utilities Commission.'**

Sec. 4. P. & S. L., 1917, c. 193, § 10, amended. The first paragraph of section 10 of chapter 193 of the private and special laws of 1917, as repealed and replaced by chapter 176 of the private and special laws of 1951, is amended by inserting after the 2nd sentence, a new paragraph, as follows:

'Any person whose estate does not abut a street upon which an existing sewer line is laid and is not located in an area into which an extension of an existing sewer line is presently contemplated, may petition the trustees of the district nevertheless to extend an existing sewer line to some specified point at which he can enter it. Such petition shall further state the petitioner's willingness to pay such portion of the cost of said construction in addition to his assessment, not to exceed 50% of the total cost thereof, as may be agreed upon between the petitioner and the district. Upon receipt of such a petition, the trustees of the district may, if they find that the cost of the construction requested would not otherwise be justified because of the community benefit conferred, which finding shall be noted in the permanent records of the district, authorize such construction upon such terms as may be agreed upon between the petitioner and the district.'

Sec. 5. P. & S. L., 1917, c. 193, § 10, amended. The 3rd, 4th and 5th sentences of section 10 of chapter 193 of the private and special laws of 1917, as repealed and replaced by chapter 176 of the private and special laws of 1951, are repealed and the following paragraph enacted in place thereof :

'Whenever, after the effective date hereof, in order to provide for sewerage disposal, it shall become necessary to construct sewerage disposal tanks or treatment plants other than a treatment plant designed to service a substantial portion of the entire municipal sewer system then, until the full cost thereof has been recovered by the sewerage district, the owners of estates benefited thereby shall pay to said sewerage district such additional sum or sums as the sewerage district shall fix and determine to be the proportional part of the cost of said construction by which each estate is benefited, not to exceed, however, the sum of \$150 for each dwelling house or other structure from which an entrance is made into said sewerage disposal tank or treatment plant. The remainder of the cost of said system, or systems, shall be borne by said sewerage district. No other sewer from any estate or part of an estate shall be entered into a common sewer except upon such terms and conditions as the sewerage district shall fix and determine.'

Sec. 6. P. & S. L., 1917, c. 193, § 12, amended. Section 12 of chapter 193 of the private and special laws of 1917 is amended by adding at the end, a new sentence, as follows :

'The district shall not be required, however, to construct or maintain any drain, storm sewer, septic tank or other installation which is not connected to and integrated with its then existing main sewerage disposal system; nor shall it be required to construct or connect storm drains with sanitary systems not integrated with its then existing main sewerage system.'

Sec. 7. P. & S. L., 1917, c. 193, § 14, amended. The 3rd sentence of section 14 of chapter 193 of the private and special laws of 1917 is repealed and the following enacted in place thereof :

'Within 14 days after the recording of the description of the land, the district shall submit to the person or corporation whose land is taken an offer in writing to pay an amount found by the trustees of the district to represent fair compensation for the land or property rights taken. The offer of the trustees as to the amount of damages due shall be final and binding upon all parties unless, within 60 days

from the date on which such offer is made, an appeal is taken from the determination of the trustees to the Superior Court in the county where the property is located, in the same manner as is provided with respect to civil appeals from the action of governmental or administrative boards, agencies or commissions, except in those respects in which such proceedings would be inconsistent with the express provisions of this charter.'

Sec. 8. P. & S. L., 1917, c. 193, § 15, repealed. Section 15 of chapter 193 of the private and special laws of 1917 is repealed.

Sec. 9. P. & S. L., 1917, c. 193, §§ 16-18, renumbered. Sections 16 to 18 of chapter 193 of the private and special laws of 1917 are renumbered to be sections 15 to 17 respectively.