

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1796

H. P. 1427

House of Representatives, April 7, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Revise the Charter of the Augusta Water District.

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

Sec. 1. P&SL 1903, c. 334, §§ 1-5, as amended, are further amended to read:

Section 1. Territorial limits. The following territory and the people within the same, namely: Wards one, two, three, four, five, six, seven and eight in the City of Augusta shall constitute a body politic and corporate under the name of the Augusta Water District for the purpose of supplying the City of Augusta, the Town of Manchester, and the reservation or district known as the National Home for Disabled Volunteer Soldiers, situated partly in said Augusta and partly in the Town of Chelsea, together with the inhabitants thereof, with pure water for domestic and municipal purposes. Said district may also supply such water to such portions of Hallowell as the trustees of Hallowell Water District may consent to and to such portions of Chelsea and Readfield as their municipal officers may consent to. The said water district is hereby authorized to supply water under the rights and duties of its charter in that portion of Winthrop known as East Winthrop and along its existing pipe line.

Section. 2. May take water of Kennebec River, Carleton Pond and Lake Cobbosseecontee. Said district is hereby authorized for the purposes aforesaid to take and hold sufficient water of the Kennebec river, Carleton Pond and Lake Cobbosseecontee, and ~~China Lake~~ and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, power, reservoirs, or for preserving the purity of the water and water shed, and for laying and maintaining aqueducts for taking, discharging and disposing

of water. ~~Nothing in this act shall authorize said district to increase the present flowage upon China lake~~

Section. 3. Liability for damages. Said district, for the purposes of its incorporation, is hereby authorized to take and hold, by purchase or otherwise, any land or interest therein or water rights necessary for dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed and for laying and maintaining aqueducts and other structures for takin, distributing, discharging and disposing of water and for rights-of-way, or roadways, to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

Said district is further authorized to increase the storage of said Carleton pond and to erect and maintain all proper structures therefor.

Said district is hereby authorized to lay in and through such streets and highways and across such private lands, and to repair and replace, all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street or highway, it shall cause the same to be done with as little obstruction as possible to the public travel and shall, at its own expense without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

In exercising any right of eminent domain conferred upon it by law, said district shall file in the office of the county commissioners of Kennebec county and record in the registry of deeds in said county, plans of the location of all lands or interests therein or water rights, to be taken, with an appropriate description and names of the owners thereof. No entry shall be made on any private lands, except to make surveys, until the expiration of ten days from such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

If any person, sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Kennebec conuty, may have said damages assessed by them. The procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are by law prescribed, from time to time, in the case of damages by the laying out of highways.

Section. 4. Authority to lay pipes and make all necessary repairs. Said district is hereby authorized to lay in and through the streets and highways thereof and of said towns of Chelsea, Readfield and Manchester and in such portions of Hallowell as consented to by the trustees of Hallowell Water District, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever said district shall lay any pipes or aqueducts in any street or highway it shall cause the same to be done with as little obstruction as possible to the public travel, and shall at its own expense without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

Section 5. Board of trustees, tenure, duties, etc. All the affairs of said water district shall be managed by a board of trustees composed of three members to be chosen by the municipal officers of the City of Augusta, but no member of the city council shall during the term for which he is elected be chosen one of said board of trustees. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting ~~at the city rooms~~ in the city of Augusta, and organize by the election of a president and clerk, adopt a corporate seal and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for 2 years and one for 3 years; and whenever the term of office of a trustee expires the said municipal officers of the city of Augusta shall appoint a successor to serve the full term of 3 years and **until his successor is duly appointed and qualified**; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. 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 term of office of the trustees shall begin on the first Monday of August. ~~Said trustees may procure an office and incur such expenses as may be necessary.~~ The said board of trustees shall receive twelve hundred dollars per annum for their services divided between them as they shall by vote determine; provided, however, that no trustee shall receive less than two hundred dollars per annum.

Sec. 2. P&SL 1903, c. 334, §§ 6-8 are repealed.

Sec. 3. P&SL 1903, c. 334, §§ 9 and 10 are amended to read:

Section 9. For accomplishing the purposes of this act said water district, through its trustees, is authorized to issue its bonds to an amount sufficient to procure funds to pay the expenses incurred in the acquisition of the property of said Augusta Water Company, and the purchase thereof, and to secure a new source of water supply or the improvement of the present supply. Said bonds shall be a legal obligation of said water district, which is hereby declared to be a quasi-municipal corporation within the meaning ~~of section fifty-five, chapter forty-six~~ of the Revised Statutes of 1964, Title 30, section 5053, and all the provisions of said section shall be applicable thereto. The said bonds shall be a legal investment for savings banks.

In the event that there should be a default in the payment of principal of, or interest on, any note or bond of said district, the trustees of said district shall, unless such default shall be cured, issue their warrant, in substantially the same form as the warrant of the Treasurer of State for real estate taxes, to the assessors of the City of Augusta requiring them to assess the amount of the default upon the taxable estates within said municipality, and commit their assessment to the constable or collector of said municipality, who shall have all authority, power and duty to collect said taxes as is vested by law to collect state, county and municipal taxes. Within thirty days after the date fixed by the municipality for the payment of such tax, the treasurer of said city shall pay the amount of the tax so assessed to the treasurer of said district who shall apply the same to cure such default.

Section 10. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be **substantially** uniform within the territory supplied by the district, **but nothing shall preclude the district from establishing a higher rate in sections where the cost to the district for construction and maintenance or the cost of service exceeds the average, but such higher rates shall be uniform throughout the section where they apply.** Said rates shall be so established as to provide revenue for the following purposes:

I. To pay the current running expenses for maintaining the water system and provide for such extensions and renewals as may become necessary.

II. To provide for payment of the interest on the indebtedness of the district.

III. To provide each year a sum equal to not less than one nor more than five per cent of the entire indebtedness of the district, which sum shall be turned into a sinking fund to provide for the final extinguishment of the funded debt. 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 paid to the city of Augusta~~

Sec. 4. P&SL 1903, c. 334, § 12 is repealed and the following enacted in place thereof:

Section 12. Customer accounting records. The officers of this district are authorized from time to time to furnish to and to receive from Augusta Sanitary District customer accounting records and information of each party to be used in connection with calculation of rates, billings and other financial requirements of the district and to pay and receive fair charges therefor.

Sec. 5. P&SL 1903, c. 334, §§ 13-15 are repealed.

Sec. 6. P&SL 1905, c. 4 is repealed.

Sec. 7. P&SL 1907, c. 17 is repealed.

Sec. 8. P&SL 1909, c. 405 is repealed.

STATEMENT OF FACT

The purpose of this bill is to revise, correct and consolidate the charter of the Augusta Water District which has had many changes since its creation in 1903. It will also authorize the district to serve Readfield and to serve Chelsea, East Winthrop and Hallowell with the permission of their town and water district officials.