

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 EIGHTH LEGISLATURE

Legislative Document

No. 681

H. P. 532

House of Representatives, February 24, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Carey of Waterville.

Cosponsors: Mrs. Kany of Waterville, Messrs. Teague of Fairfield, Carter of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Create the Kennebec Utilities District.

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

Sec. 1. Territorial limits; name; purposes. The territory and inhabitants therein of the municipalities of Waterville, Winslow, Fairfield and Benton are created a body corporate and politic under the name of "Kennebec Utilities District" for the purpose of providing the inhabitants of said district with:

1. A system of public sewage disposal;
2. A supply of pure water for domestic and municipal purposes; and
3. A program of solid waste management.

These services and the facilities incident thereto shall be constructed, maintained and operated for the public health and welfare and for the benefit of said residents and of the property therein in the manner and with the rights, duties and immunities hereinafter in this Act set forth. The district shall construct, maintain and operate water pipelines, dams, reservoirs, interceptor sewers, pumping stations, treatment plants, refuse disposal facilities and solid waste collection services for the benefit of participating municipalities or the residents thereof, and shall construct, maintain and operate all appurtenances and facilities in connection therewith in order to provide the above mentioned services.

Said municipalities and the Waterville Sewerage District shall continue to own, maintain and operate their own collector sewer and storm water systems.

The district is organized for the purpose of supplying fresh water to, receiving and treating sewage collected by, and providing solid waste collection and disposal services for said towns and said sewer district systems and from any other person, firm or corporation within the district or adjacent municipality not served by another system.

As used in this Act "sewage" shall include waste water from dwellings, public buildings, commercial or industrial establishments, or any combination thereof, and shall also include surface or ground water that may be present therein.

As used in this Act the term "refuse disposal facility" shall mean an incinerator, sanitary land fill, transfer station, composting plant, other means of solid waste disposal, or any combination of 2 or more such facilities.

Sec. 2. Transfer of property and assets. Reserved.

Sec. 3. Trustees. Reserved.

Sec. 4. Powers. The district shall be vested with the following powers:

1. The power, within the district, to lay pipes, drains, sewer conduits, and to take up, repair and maintain the same or to contract for the same to be done in, along and through any public or private ways and public grounds and in, along and through lands of any person or corporation to and into rivers, watercourses and treatment works, or to or into any drain or sewer now or hereafter built which empties into waters, rivers, watercourses and treatment works, the discharge therefrom to be at such points consistent with the requirements of public health as shall be found convenient and reasonable for said district and the flow of existing watercourses; to construct and maintain or contract for the construction and maintenance of treatment works, pumping stations, basins, reservoirs, flush tanks and other such appliances for collecting, holding, purifying, distributing and disposing of sewage and of storm and surface water, all as may be necessary or proper; and in general, do any and all other things necessary or incidental to accomplish the purposes of the district.

2. The power to take and hold sufficient water of the Kennebec River, the Messalonskee Stream or its tributary lakes, or the Sebasticook River or its tributary lakes and may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, reservoirs or for preserving of the water and watershed, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water. Said district is further authorized to lay in and through the streets and highways thereof and of said municipalities and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects above set forth.

3. The powers granted to regional refuse disposal districts by the Maine Revised Statutes, Title 38, section 1558.

Sec. 5. Right of eminent domain. The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for its purposes, and is granted the right of eminent domain, and for

such purposes is authorized to take and hold, either by exercising its rights of eminent domain or by purchase, lease or otherwise, as for public uses any land, real estate, easements or interest therein, and any sewers, drains or conduits and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, reservoirs, flush tanks, man-holes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage, and surface and waste waters.

Sec. 6. Procedure in eminent domain proceedings. When property is to be taken through the exercise of the power of eminent domain, which the district is hereby given the power of, the district shall cause to be recorded in the Registry of Deeds where the land is located a description identifying the property to be taken with reasonable accuracy and indicating the names of the owners thereof, if known, together with a notice that the same is to be taken by the district, signed by a majority of the members of the board. Copies of the notice and description shall also be sent at the same time by registered mail to all persons whose whereabouts are known having an interest of record in such property. No entry shall be made upon private lands so taken within 10 days after such recording, except to make surveys. At the end of said 10-day period, title to said property shall vest in the district and possession of the same may be taken. After the expiration of said 10-day period, the district shall promptly submit in writing to the persons or corporations whose property is taken an offer in writing to pay an amount found by the board to represent fair compensation therefor. The offer of the district as to the amount of damages due shall be final and binding upon all parties having an interest in the property unless, within 60 days from the date on which such offer is made, an appeal is taken from the district's determination of damages to the Superior Court of the county where the land is located. Such appeal shall be taken in the manner prescribed by the Maine Rules of Civil Procedure, Rule 80 B and any amendments thereto, except in those respects in which proceedings under the rule would be inconsistent with the express provisions of this Act. In the event of such appeal, any person having an interest in the property to be taken may petition any Justice of the Superior or Supreme Judicial Court to order that the district furnish security to be deposited with the clerk of the Superior Court in an amount found to represent the value of such person's interest. Such judge or justice may hear such evidence as he may require to reach an initial determination of the value of such interest. The amount so deposited may be used to satisfy any judgment recovered against the district, the excess, if any, to be returned to the district.

Sec. 7. Crossing other public utilities. If any sewer line of the district is to cross the property or line of any other public utility, unless consent is given by such other public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by the 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. Nothing herein contained shall be construed as author-

izing the district to take by right of eminent domain any of the property or facilities of any other public utility 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. 8. Power to contract. Reserved.

Sec. 9. Conditions for carrying out work. Reserved.

Sec. 10. Right to inspect; rules and regulations; injunctive relief. Reserved.

Sec. 11. Property tax exempt. Wherever located, the property, both real and personal, rights and franchises, used in connection with its sewage treatment shall be exempt from taxation.

Sec. 12. Injury to property of district. Reserved.

Sec. 13. Authorized to borrow money. Reserved.

Sec. 14. Governmental grants and loans. The district is authorized to enter into agreements with federal, state and local governments or any agency thereof, or any corporation, commission or board authorized by federal, state or local governments to grant or loan money to or otherwise assist in the financing of projects for accomplishing the purposes of this Act and to accept grants and borrow money from any such government, agency, corporation, commission or board as may be necessary or desirable for the purposes of this Act.

Sec. 15. Determination of annual apportionable costs. Reserved.

Sec. 16. Apportionment of annual costs; annual apportionments; obligation to pay same. Reserved.

Sec. 17. Rates. Reserved.

Sec. 18. Collection of unpaid rates. Reserved.

Sec. 19. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the purposes of the district are granted to the district and its trustees, including the rights of its trustees to determine when and where new facilities are needed and when and where the same shall be constructed.

Sec. 20. Reserved.

STATEMENT OF FACT

The municipalities of Waterville, Winslow, Fairfield and Benton are currently served by the Kennebec Water District and the Kennebec Sanitary Treatment District. These municipalities also currently have an acute need for the services of a solid waste treatment district. The Northern Kennebec Regional Planning Commission has determined that the most practical and efficient method of providing the new service along with existing utility services would be to consolidate the two above-mentioned districts under the name of the Kennebec Utilities District and grant the new district the authority to provide a solid waste management service.