

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1054

H. P. 883

House of Representatives, March 16, 1977

On Motion of Mr. Kelleher of Bangor referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. LaPlante of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees.

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

Sec. 1. P&SL 1967, c. 196, §§ 1 - 3, are repealed and the following enacted in their place:

Sec. 1. Territorial limits; corporate name and purpose. The inhabitants of and territory within the Town of Sabattus in the County of Androscoggin shall be and are constituted a body politic and corporate under the name of the "Sabattus Water District," for the purpose of supplying the inhabitants and others in the district and the Town of Sabattus with pure water for domestic, commercial, sanitary, industrial, agricultural and municipal purposes.

Sec. 2. Powers of Sabattus Water District. Said Sabattus Water District is authorized for the purposes of its incorporation to take, collect, store, flow, use, divert, distribute and convey to the Town of Sabattus or any part thereof water from any lake, pond, stream or river, or from any surface or underground brook, spring or vein of water, natural or artificial, in the town and it is also authorized to locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations, drains and other necessary structures, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to said district hereby created.

Sec. 3. Authorized to lay mains, pipes, conduits, etc., through public ways and across private lands. The district is authorized to lay in and through the streets, roads, ways and highways of the Town of Sabattus, and across private lands therein, and to maintain, repair and replace all such pipes, mains, drains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes, mains, drains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable 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.

Sec. 2. P&SL 1967, c. 196, § 7 is repealed and the following enacted in its place:

Sec. 7. Trustees; how elected; meetings; officers. All the affairs of said district shall be managed by a board of trustees composed of 3 members who shall be bona fide residents of the Town of Sabattus and who shall be chosen as hereinafter provided.

As soon as may be after the acceptance of this Act as hereinafter provided, the selectmen of the Town of Sabattus shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual town meeting of the Town of Sabattus following the acceptance of this Act; one to serve until the 2nd annual town meeting of said town following such acceptance; and one to serve until the 3rd annual town meeting of said town following such acceptance. At each annual town meeting of said town, beginning with the first annual town meeting following the acceptance of this Act, one trustee shall be elected by the town in the manner of voting followed at the town meeting for the election of selectmen, to serve until the annual town meeting occurring 3 years thereafter and until a successor is elected and qualified.

Whenever any trustee ceases to be a resident of said district, he vacates the office of trustee. All trustees, if resident of said district, shall be eligible for reelection. Vacancies in the office of trustee shall be filled by the selectmen until the next annual town meeting of the Town of Sabattus, and at such annual town meeting the unexpired portion of said term, if any, shall be filled in the same manner as the trustees are elected.

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place and delivered in hand to the other 2 members, not less than 2 full days before the meeting, provided that they may meet by agreement without such notice. They shall organize by electing from their own number a chairman and a clerk and, not necessarily from their own number, a treasurer. They shall adopt a corporate seal and may adopt bylaws and perform any other acts within the powers delegated to them by law. Following each annual town meeting of said Town of Sabattus, the trustees shall elect from their own number a chairman and a clerk and, not necessarily from their own number,

a treasurer to serve until the next annual town meeting of said Town of Sabattus and until their respective successors are elected and qualified.

The trustees from time to time may choose and employ and fix the compensation of any other necessary officers and agents, who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district. Members of the board of trustees shall be eligible to any office under the board.

The trustees, as such, shall receive as compensation for their services an amount to be determined by them not to exceed \$300 each per year; but the treasurer may be allowed such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member who shall serve as clerk or clerk pro tem.

Sec. 3. P&SL 1967, c. 196, §§ 8 - 11, are repealed and the following enacted in their place:

Sec. 8. Annual report. The trustees shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the annual town report.

Also, a complete report of the activities of the district shall be rendered at the annual town meeting of the Town of Sabattus by the board of trustees of said district, including a financial report.

Sec. 9. Contracts for supply water. Said water district, through its trustees, is authorized to make contracts with persons, corporations and municipalities, including the Town of Sabattus, for the purpose of supplying water as contemplated by this Act, and the Town of Sabattus by its selectmen is authorized to enter into a contract with said district for a supply of water for public uses on such terms and for such times as the parties may agree, which contracts when made shall be legal and binding on all parties thereto and said Town of Sabattus for said purposes may raise money in the same manner as for other municipal charges. Said water district is further authorized to sell water to the City of Lewiston for public uses and the City of Lewiston is authorized to purchase water from said Sabattus Water District on such terms and for such time as the parties may agree, subject to approval by the Public Utilities Commission.

Sec. 10. Authorized to receive governmental aid, to borrow money, to issue bonds and notes. 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 vote of the inhabitants, is authorized to receive both state and federal aid grants; to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, including organizational and other necessary expenses and liabilities, whether incurred by the district

or the Town of Sabattus, the district being authorized to reimburse said Town of Sabattus for any such expense incurred by it and in acquiring properties, paying damages, laying pipes, mains, drains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction. Said district, through its trustees, without the vote of its inhabitants, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or amounts, bearing interest at such rate or rates, selling at par, at a discount or at premium and having such other terms and provisions as the trustees shall determine.

Said bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine, but none of them shall run for a longer period than 40 years from the date of original issue thereof. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Sabattus Water District," shall be signed by the treasurer and counter-signed by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile signature of the treasurer.

All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be applicable thereto.

The district may refund and reissue, from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine.

Sec. 11. Property tax exempt. The property, both real and personal, rights and franchises of said district, shall be forever exempt from taxation in the Town of Sabattus.

Sec. 4. Effective date; referendum; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Town of Sabattus, voting by ballot at an election to be specially called and held for that purpose concurrent with the regular 1978 town election in March. This meeting shall be called, advertised and conducted according to the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be acquired ballots, on which he shall reduce the subject matter of sections 1 and 2 of the private and special laws of 1967, chapter 196, as repealed and replaced by this Act, to the following question: "Shall 'An Act changing the name of Webster Water District to Sabattus Water District and providing

compensation for the trustees,' passed by the 108th 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. Upon its acceptance by a majority of the legal voters voting at said meeting, sections 1 and 2 of the private and special laws of 1967, chapter 196, as repealed and replaced by this Act shall take effect for all purposes forthwith. The result of the vote shall be declared by the Board of Selectmen of Sabattus and due certificate shall be filed by the town clerk with the Secretary of State.

STATEMENT OF FACT

This bill amends the compensation provisions for the Webster Water District and changes the district's name to "Sabattus Water District" to conform with the change of name of the Town of Webster to the Town of Sabattus.