

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)

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 223

House of Representatives, Feb. 9, 1917.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Garcelon of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT changing the name of the Auburn Water Commissioners to the Auburn Water and Sewerage Board and transferring to it the sewer system of the city of Auburn, with the powers and duties of the board relative thereto.

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

Section 1. The name of the Auburn Water Commissioners, incorporated under Chapter 243 of the Private and Special Laws of 1895, is hereby changed to the Auburn Water and Sewerage Board; but this change of name shall in no way affect any right or liability, power or duty which the Auburn Water Commissioners now have, and all statutes and ordinances referring to the Auburn Water Commis-

8 sioners shall read and be construed as though the Auburn
9 Water and Sewerage Board were originally named therein.

Sect. 2. The Auburn Water and Sewerage Board afore-
2 said is hereby authorized and empowered to purchase from
3 the city of Auburn, and the city of Auburn is hereby
4 authorized and empowered to sell, transfer and convey to the
5 Auburn Water and Sewerage Board, the entire sewer system
6 of the said city of Auburn, including all pipes, conduits,
7 fixtures, and rights of way therefor, excepting the street
8 catch-basins and their connections with the sewer mains, for
9 the sum of eighty-eight thousand seven hundred dollars; in
10 trust, nevertheless, for the city of Auburn, and under the
11 terms and conditions provided in the following sections.

Sect. 3. The Auburn Water and Sewerage Board is
2 authorized, under the permission and direction of the Public
3 Utilities Commission, to issue bonds secured by the combined
4 water and sewer systems to pay the purchase price of said
5 sewer system, and also to provide for such improvements and
6 extensions of the system as may be deemed necessary by the
7 said Water and Sewerage Board. Bonds so issued shall not
8 impair the lien of the holders of outstanding bonds upon the
9 water system; and upon the retirement of all the bonds
10 issued under the provisions of this act, said trust shall there-
11 upon be discharged, on petition of said city of Auburn, or
12 said Auburn Water and Sewerage Board, to the Supreme
13 Judicial Court for the county of Androscoggin, sitting in
14 equity, and said property shall be reconveyed to said city of
15 Auburn, discharged of said trust.

Sect. 4. Bonds issued under the provisions of this act may
2 be purchased and held by savings banks in this state.

Sect. 5. All powers and duties which may be exercised
2 with respect to said sewer system, conferred upon the city of
3 Auburn or upon the municipal officers of the city of Auburn,
4 by Chapter 285 of the Public Laws of 1889, and all public
5 and private laws amendatory thereof and additional thereto,
6 except as hereinafter excepted, shall be vested in the Auburn
7 Water and Sewerage Board, and the words "town clerk" in
8 said act shall be construed to mean the clerk of said water
9 and sewerage board. No contracts, rights, liabilities, takings,
10 assessments, suits, or other matters now existing or pending
11 shall be affected by this act, but said water and sewerage
12 board shall in all respects and for all purposes be the lawful
13 successors of said city of Auburn and the municipal officers
14 of the city of Auburn.

Sect. 6. So much of Chapter 285 of the Public Laws of
2 1889 and public and private laws amendatory thereof and
3 additional thereto, relating to the construction of drains and
4 common sewers as authorizes the assessment against lots
5 benefited thereby of an amount not to exceed one-half of the
6 cost of said drain or sewer, shall not apply to assessments
7 made under this act. In lieu thereof, the owners of estates
8 benefited and abutting on streets or ways, public or private,
9 in which sewers shall hereafter be laid under the provisions
10 of this act, shall pay to said water and sewerage board
11 toward defraying the cost of such sewers, systems of sewer-

12 age and sewage disposal an assessment or charge as follows:
13 Fifteen cents a linear foot of frontage of such estates on any
14 street or way where a sewer is constructed, and five mills a
15 square foot, according to the area of such estates within a
16 fixed depth of one hundred and fifty feet, from such street or
17 way; provided, however, that in no case shall an assessment
18 be made that shall exceed the special benefit to the estate
19 assessed; also, that no assessment shall be made upon any
20 estate which, by reason of its grade or level, or for any other
21 cause cannot be drained into such sewer, until such in-
22 capacity is removed; and provided, also, that when such
23 estates abut upon more than one such street or way, such
24 linear assessment shall be made upon the whole of the largest
25 frontage, and seventy-five feet of the frontage upon such
26 other street or way shall be exempt from such assessment,
27 but all length in excess of said seventy-five feet upon such
28 other street or way shall be subject to the said assessment.
29 The remainder of the cost of said system or systems shall be
30 borne by the water and sewerage board. No particular or
31 other sewer from any estate or part of an estate, not already
32 assessed or liable to assessment or charge, as provided above,
33 shall be entered into a common sewer, except upon the pay-
34 ment of such an assessment or charge, and upon such other
35 terms and conditions as the water and sewerage board shall
36 fix and determine.

Sect. 7. Upon the completion of a sewer in any street or
2 way, public or private, included within any systems now con-

3 structed or hereafter to be constructed, and when the same
4 is ready for use, the water and sewerage board may file a
5 certificate with its clerk designating the street or way, or part
6 thereof, in which the sewer has been completed and setting
7 forth the names of the owners of the estates abutting and
8 benefited and the amount of assessment or charge to be paid
9 by each, and referring to a plan on file in the office of said
10 board, which plan shall show the frontage, the area assessed,
11 the name of the owner and the amount of the assessment of
12 each estate abutting and benefited on said street or way; and
13 the clerk shall forthwith, upon the receipt of such certificate,
14 make a demand in writing for the payment of said assess-
15 ments or charges, and every such owner shall within three
16 months after such demand is served on him, or on the occu-
17 pant of his estate, or sent by mail to the last address of said
18 owner known to the clerk, pay the sum so assessed or
19 charged, to the clerk.

Sect. 8. In order to meet the interest, sinking fund,
2 operating and maintenance charges of the sewer system, the
3 water and sewerage board is hereby authorized to assess each
4 owner of real estate for each connection with the common
5 sewer such an amount annually in advance, subject to the
6 approval of the Public Utilities Commission, as shall be
7 deemed necessary and reasonable by said water and sewerage
8 board.

Sect. 9. The water and sewerage board is hereby author-
2 ized to assess the city of Auburn for the use of said sewer

3 system as public drains for highways a sum not to exceed
4 five thousand dollars annually, and the said city of Auburn
5 shall pay said assessments for the use of the said sewer
6 system.

Sect. 10. The water and sewerage board is hereby author-
2 ized to construct, maintain and operate such systems of sew-
3 erage and sewage disposal, and to lay, make and maintain
4 such common sewers as the board may from time to time
5 deem necessary for the purpose of disposing of its sewage.
6 The board may also construct, maintain and operate such
7 works as it may deem necessary in connection with said
8 system; and for the purpose of providing better surface or
9 other drainage for any parts of the city, guarding against
10 pollution of waters, and otherwise protecting the public
11 health may lay, make and maintain such main drains as it
12 deems best, may deepen, widen and clear of obstruction any
13 brook, stream or water course within the limits of the city,
14 and straighten, alter or divert the courses or channels
15 thereof.

Sect. 11. The said board, acting in behalf of the city, shall
2 have power to take from time to time, or to acquire by pur-
3 chase or otherwise, any lands, water rights, rights of way or
4 other easements in said city, public or private, necessary for
5 any of the purposes mentioned in Section ten; and may con-
6 struct such sewers and drains under or over any water
7 course, bridge, railroad, railway, highway or other way, in
8 such manner as not unnecessarily to obstruct the same; and

9 may enter upon and dig up any private land or way for the
10 purpose of constructing said systems, laying such sewers and
11 drains, and maintaining and repairing the same, and may do
12 any other thing necessary or proper in carrying out the pur-
13 poses of this act.

Sect. 13. When lands, water rights, rights of way or
2 other easements are taken, said water and sewerage board
3 shall, within thirty days after the taking, cause to be
4 recorded in the registry of deeds for the county of Andros-
5 coggin, a description of the same as certain as is required in
6 a conveyance of land, with a statement of the purpose for
7 which the same were taken, signed by a majority of said
8 board; and upon such recording, the fee in the lands, rights
9 of way or other easements so taken shall vest in the water
10 and sewerage board. All damages sustained by any person
11 or corporation by reason of such taking, or through any
12 action of said board under this act, shall be paid by the
13 board. If the damages are not agreed upon, a jury in the
14 Supreme Court of said county may be had to determine the
15 same, in the same manner as in the case of lands taken for
16 highways; but in the case of a taking no suit shall be brought
17 after two years from the recording of such taking as herein
18 required. All takings made in substantially the following
19 form shall be valid: The Auburn Water and Sewerage
20 Board, acting under the authority given by Chapter
21 of the Private and Special Laws of 1917, hereby takes for
22 and in behalf of the city of Auburn, and for the purpose of

23 (here state any of the purposes for which takings may be
 24 made) a certain parcel of land situated in said Auburn,
 25 bounded as follows (here give the description of the land),
 26 said premises being owned or supposed to be owned by
 27 of in the state of
 28; also the following described rights of
 29 way or easements in said Auburn (here describe the rights or
 30 easements taken, and also describe sufficiently for their
 31 identification the premises over or through which said rights
 32 or easements are taken, and state the ownership, or supposed
 33 ownership of said premises).

Sect. 13. In every case of a petition for the assessment of
 2 damages or for a jury, said water and sewerage board may at
 3 any time file an offer in writing, with the other papers in the
 4 case, to pay the petitioner a sum therein specified as dam-
 5 ages; and if he does not accept the same within thirty days
 6 after notice of such offer, and does not finally recover a
 7 greater sum than that offered, not including interest from the
 8 date of the offer on the sum so recovered, the board shall
 9 recover costs from said date; and if the petitioner does not
 10 recover damages in a greater sum than that allowed as afore-
 11 said he shall be entitled to costs only to the date of the offer.

Sect. 14. This act shall not take effect until approved by
 2 the city council of the city of Auburn, and also by the
 3 Auburn Water Commissioners.

Sect. 15. All acts and parts of acts inconsistent with the
 2 provisions of this act are hereby repealed.