

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 705

House of Representatives, March 29, 1917.

Printed under joint rules and one thousand five hundred additional ordered printed.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to Create the Auburn Sewerage District and Transferring to it the Sewer System of the City of Auburn.

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

Section 1. The territory and people constituting the city
2 of Auburn shall constitute a body politic and corporate under
3 the name of the Auburn Sewerage District for the purpose
4 of maintaining and extending the sewer system in said dis-
5 trict in accordance with the subsequent provisions of this act.
6 Said district shall have a common seal and power to sue and
7 be sued. The affairs of said sewerage district shall be

8 managed by a board of six trustees, which in the first in-
9 stance shall be the present members of the Auburn Water
10 Commissioners. The trustees of the Auburn Sewerage
11 District hereby created shall each hold office according to
12 the respective terms of office which they now hold as members
13 of the Auburn Water Commissioners, and upon the expiration
14 of said terms of office one trustee shall thereafterwards be
15 elected annually in the month of March by the city council of
16 Auburn to serve for a term of six years. The city council
17 may at any time fill any vacancy in said trustees caused by
18 death, resignation or otherwise, or in the first instance by the
19 refusal to act of any member or members of the Auburn
20 Water Commissioners above denominated; in such case,
21 however, the trustee so appointed shall hold office for the
22 unexpired term of the member whose office is made or left
23 vacant. The mayor of the city for the time being shall be
24 ex-officio a trustee of the Auburn Sewerage District. The
25 city treasurer of the city of Auburn for the time being shall
26 be treasurer ex-officio of said sewerage district, and shall
27 keep the accounts of the money received and disbursed by
28 him as treasurer of the city separate and distinct from those
29 of the money received and disbursed by him as treasurer
30 of said sewerage district. Said trustees shall organize by
31 electing one of their number president and by electing a
32 clerk, whose compensation they shall fix, at a meeting to be
33 held as soon as may be after this act shall become a law and
34 annually in the month of March after the appointment by
35 the city council of one member as herein provided.

Trustees of the Auburn Sewerage District shall qualify for
2 office by taking oath for the faithful discharge of their duties
3 before a justice of the peace, who shall make a record there-
4 of, to be preserved in the records of the sewerage district.

Sect. 2. All powers and duties which may be exercised
2 with respect to the sewer system conferred upon the city of
3 Auburn, or upon the municipal officers of the city of Auburn
4 by the general laws of the state, except as hereinafter ex-
5 cepted, shall be vested in the Auburn Sewerage District, and
6 the words "town clerk" in said act shall be construed to
7 mean the clerk of said sewerage district. No contracts,
8 rights, liabilities, takings, assessments, suits, or other mat-
9 ters now existing or pending shall be affected by this act,
10 but said sewerage district shall in all respects and for all
11 purposes become the successors of the city of Auburn and
12 the municipal officers of the city of Auburn in all matters
13 covered by this act.

Sect. 3. The Auburn Sewerage District is hereby author-
2 ized and empowered to acquire, and the city of Auburn is
3 hereby authorized and empowered to transfer and convey to
4 said sewerage district, the entire sewer system of said city
5 of Auburn, including all pipe, conduits, fixtures and rights of
6 way therefor, excepting the street catch basins and their con-
7 nections with the sewer mains; the consideration for said
8 transfer being that said sewerage district upon said transfer
9 shall become obligated to pay the sewer loan to the city of
10 Auburn, due January second, nineteen hundred twenty-one.

11 of twenty-four thousand dollars, when said loan shall be-
12 come due and payable.

The words "sewer system" as used in this section shall be
2 construed to mean the sewer ssystem owned by the city of
3 Auburn, whether for the disposal of the sewage of buildings
4 or for drainage, public or private, together with all its rights
5 and appurtenances.

Sect. 4. The Auburn Sewerage District is hereby author-
2 ized under the permission and direction of the public utili-
3 ties commission, to issue bonds to provide for such improve-
4 ments and extensions of the system as may be deemed neces-
5 sary by said sewerage district. Said bonds shall be a legal
6 obligation of said sewerage district, and on all property
7 therein, which is hereby declared to be a quasi municipal
8 corporation within the meaning of the statutes of this state.
9 Bonds so issued shall not impair any liens outstanding, if
10 any, covering said sewer system.

From the proceeds of the bonds issued as above the Auburn
2 Sewerage District shall set aside an amount which with ac-
3 cumulations shall be sufficient to retire the sewer loan of the
4 city of Auburn, due January second, nineteen hundred twen-
5 ty-one, of twenty-four thousand dollars, and said fund shall
6 be used for the payment of said loan and for no other pur-
7 pose. Said fund shall be invested subject to the same con-
8 ditions as hereinafter specified for the sinking fund.

Sect. 5. In case of default in the payment of any of said
2 bonds or the coupons attached thereto, when due, any holder

3 thereof may petition the supreme judicial court for the
4 county of Androskoggin by bill in equity, for the benefit of
5 himself as well as for the benefit of all other holders of
6 said bonds, and said court may enforce said lien, by appoint-
7 ment of receiver and by sale of said porperty, according to
8 the usual practice in equity proceedings.

Sect. 6. The Auburn Sewerage District shall create a sink-
2 ing fund for the retirement of its bonded indebtedness by
3 setting aside annually from its income a sum equal to at
4 least one per cent of its total bonded indebtedness. Said
5 sinking fund shall be invested in such securities as savings
6 banks of this state are authorized to invest in, and shall be
7 held, together with its accumulations, for the sole purpose
8 of redeeming and paying the principal of said bonds.

Sect. 7. Bonds issued under the provisions of this act
2 may be purchased and held by savings banks in this state.

Sect. 8. The Auburn Sewerage District is hereby author-
2 ized to levy a special sewer tax on the valuation of all pro-
3 perty receiving service from its sewer system and upon
4 property against which an assessment for sewer construction
5 has been made. Said special tax shall be based upon the
6 valuation given the property upon which such tax is author-
7 ized, by the board of assessors of the city of Auburn, and
8 shall not exceed one and one-half mills on each dollar of
9 valuation for any one year. The amount of such tax shall
10 be sufficient to provide said sewerage district with the in-
11 come necessary, over and above that provided by section

12 nine, to meet its estimated expenditures of the ensuing year
13 for operating expenses, interest on bonds or other loans,
14 sinking fund, maintenance and such extensions as it shall not
15 seem expedient to provide for by issuing bonds as herein pro-
16 vided; subject, however, to said maximum tax. Said spec-
17 ial tax shall be levied annually in the month of April. The
18 clerk of said district shall be the collector of said special
19 tax and may enforce the same in same manner as provided
20 by law for the enforcement of a special tax levied by any
21 municipal corporation.

Sect. 9. The Auburn Sewerage District 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 assessment for the use of said sewer system.

Sect. 10. So much of the general laws of the state relat-
2 ing to the construction of drains and common sewers as
3 authorize the assessment against lots benefited thereby of
4 an amount not to exceed one-half of the cost of said drain
5 or sewer shall not apply to assessments made under this act.
6 In lieu thereof the owners of estates benefited and abutting
7 on streets or ways, public or private, in which sewers shall
8 hereafter be laid under the provisions of this act shall pay
9 to said sewerage district toward defraying the cost of such
10 sewers, systems of sewerage and sewage disposal an assess-
11 ment or charge as follows: Fifteen cents a linear foot of
12 frontage of such estates on any street or way where a sewer

13 is constructed, and five mills a square foot computed upon
14 the area of such estates within a fixed depth of one hundred
15 and fifty feet from such street or way; provided, however,
16 that in no case shall an assessment be made that shall exceed
17 the special benefit to the estate assessed; also, that no assess-
18 ment shall be made upon any estate which, by reason of its
19 grade or level, or for any other cause, cannot be drained
20 into such sewer, until such incapacity is removed; and pro-
21 vided, also that when such estates abut upon more than one
22 such street or way, such linear assessment shall be made
23 upon the whole of the largest frontage, and seventy-five feet
24 of the frontage upon such other street or way shall be ex-
25 empt from such assessment, but all length in excess of said
26 seventy-five feet upon such other street or way shall be sub-
27 ject to said assessment. The remainder of the cost of said
28 system or systems shall be borne by said sewerage district.
29 No particular or other sewer from any estate or part of an
30 estate not already assessed or liable to assessment or charge
31 as provided above, shall be entered into a common sewer, ex-
32 cept upon the payment of such an assessment or charge, and
33 upon such other terms and conditions as the sewerage dis-
34 trict shall fix and determine.

Sect. II. Upon the completion of a sewer in any street or
2 way, public or private, included within any system now con-
3 structed or hereafter to be constructed, and when the same
4 is ready for use, the sewerage district may file a certificate
5 with its clerk designating the street or way, or part thereof,

6 in which the sewer has been completed, and setting forth the
7 names of the owners of the estate abutting and benefitting
8 and the amount of assessment or charge to be paid by each,
9 and referring to the plan on file in the office of said district,
10 which plan shall show frontage, the area assessed, the name
11 of the owner and the amount of the assessment of each
12 estate abutting and benefited on said street or way; and the
13 clerk shall forthwith, upon the receipt of such certificate,
14 make a demand in writing for the payment of said assess-
15 ment or charges, and every such owner shall within three
16 months after such demand is served on him, or on the oc-
17 cupant of his estate, or sent by mail to the last address of
18 said owner known to the clerk, pay the sum so assessed or
19 charged, to the clerk.

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

14 city, and straighten, alter or divert the courses or channels
15 thereof.

Sect. 13. The said district shall for the purposes of this
2 act have power to take from time to time by right of eminent
3 domain, or to acquire by purchase or otherwise, any lands,
4 water rights, rights of way or other easements in said city,
5 public or private, necessary for any of the purposes men-
6 tioned in section twelve; and may construct such sewers and
7 drains under or over any water course, bridge, railroad,
8 railway, highway or other way, in such manner as not un-
9 necessarily to obstruct the same; and may enter upon and
10 dig up any private land or way for the purpose of construct-
11 ing said systems, laying such sewers and drains, and main-
12 taining and repairing the same, and may do any other thing
13 necessary or proper in carrying out the purposes of this act.

Sect. 14. When lands, water rights, rights of way or other
2 easements are taken, said Auburn Sewerage District shall,
3 within thirty days after the taking, cause to be recorded in
4 the registry of deeds for the county of Androscoggin, a de-
5 scription of the same as certain as is required in a convey-
6 ance of land, with a statement of the purpose for which the
7 same were taken, signed by a majority of its trustees; and
8 upon such recording the fee in the lands, rights of way or
9 other easements so taken shall vest in the sewerage district.
10 All damages sustained by any person or corporation by
11 reason of such taking, or through any action of said sewer-
12 age district under this act, shall be paid by the district. If

13 the damages are not agreed upon, a jury in the supreme
 14 judicial 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 on appeal from the county commissioners, except
 17 such action shall originate in said court; but in the case of a
 18 taking no suit shall be brought after two years from the
 19 recording of such taking as herein required. All takings
 20 made in substantially the following form shall be valid: The
 21 Auburn Sewerage District, acting under the authority given
 22 by chapter _____ of the private and special laws of nine-
 23 teen hundred seventeen, hereby takes for the purpose of
 24 (here state any of the purposes for which takings may be
 25 made) a certain parcel of land situated in said Auburn,
 26 bounded as follows (here give the description of the land)
 27 said premises being owned or supposed to be owned by....
 28 of..... in the state of.....;
 29 also the following described rights of way or easements in
 30 in said Auburn (here describe the rights or easements taken,
 31 and also describe sufficiently for their identification the
 32 premises over or through which said rights or easements are
 33 taken, and state ownership, or supposed ownership, of said
 34 premises.)

Sect. 15. In every case of a petition for the assessment
 2 of damages or for a jury, said Auburn Sewerage District
 3 may at any time file an offer in writing, with the other papers
 4 in the case, to pay the petitioner a sum therein specified as
 5 damages; and if he does not accept the same within thirty

6 days after notice of such offer, and does not finally recover
7 a greater sum than that offered, not including interest from
8 date of the offer on the sum so recovered, the district 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. 16. The property of said Auburn Sewerage District
2 shall be exempt from taxation.

Sect. 17. This act shall take effect upon being approved
2 by a majority of all legal voters of the city of Auburn, vot-
3 ing at the special state election in the month of September,
4 nineteen hundred seventeen. A special ballot for the above
5 purpose shall be prepared and submitted to the voters of the
6 city of Auburn by the secretary of state, setting out the pur-
7 pose and scope of this act.

Sect. 18. All cast and parts of acts inconsistent with the
2 provisions of this act are hereby repealed.