

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 433

House of Representatives, March 15, 1919.

Reported by Mr. Hinckley from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend Chapter One Hundred Ninety-three of
the Private and Special Laws of Nineteen Hundred Seven-
teen Entitled "An Act to Create the Auburn Sewerage Dis-
trict 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 one of chapter one hundred ninety-three of the
2 private and special laws of nineteen hundred seventeen is
3 hereby amended by striking out the first sentence of said
4 section and inserting in place thereof the following: 'For
5 the purpose of maintaining and extending the sewer sys-
6 tem in the district hereinafter described, the territory and

7 people constituting said district shall constitute a body
8 politic and corporate under the name of the Auburn Sew-
9 erage District, in accordance with the subsequent provis-
10 ions of this act. Said district shall be bounded, described
11 and constituted as follows: All the territory and people
12 constituting the city of Auburn except that portion of said
13 city and the people residing therein within the following
14 boundaries, to wit: Beginning at the junction of the Hol-
15 land road so-called with the South River road so-called;
16 thence westerly by said Holland road to its junction with
17 the Old Danville road so-called; thence southerly by said
18 Old Danville road to its junction with the Pownal road
19 so-called; thence southerly by said Pownal road to the
20 Durham town line; thence northeasterly by said Durham
21 town line to the Androscoggin river; thence northerly by
22 said Androscoggin river to a point opposite said Holland
23 road; thence westerly to the junction of said Holland road
24 and said South River road at the point of beginning.
25 And said section is further amended by striking out from
26 the twentieth to the twenty-eighth lines thereof inclusive,
27 the words: "The city treasurer of the city of Auburn for
28 the time being shall be treasurer ex-officio of said sewer-
29 age district, and shall keep the accounts of the money
30 received and disbursed by him as treasurer of the city
31 separate and distinct from those of the money received
32 and disbursed by him as treasurer of said sewerage dis-
33 trict. Said trustees shall organize by electing one of their

34 number president, and by electing a clerk, whose compen-
35 sation they shall fix at a meeting to be held as soon as
36 may be after this act shall become a law and annually in
37 the month of March after the appointment by the city
38 council of one member as herein provided." And insert-
39 ing in place thereof the following: 'Said trustees shall
40 annually in the month of March, after the appointment by
41 the city council of one member as herein provided, organ-
42 ize by electing one of their number president and by elect-
43 ing a clerk and treasurer, and the compensation of said
44 clerk and treasurer shall be fixed at such meeting.' So
45 that said section as amended shall read as follows:

'Sect. 1. For the purpose of maintaining and extending
2 the sewer system in the district hereinafter described, the
3 territory and people constituting said district shall con-
4 stitute a body politic and corporate under the name of the
5 Auburn Sewerage District, in accordance with the subse-
6 quent provisions of this act. Said district shall be bound-
7 ed, described and constituted as follows: All the territory
8 and people constituting the city of Auburn except that
9 portion of said city and the people residing therein within
10 the following boundaries, to wit: Beginning at the junc-
11 tion of the Holland road so-called with the South River
12 road so-called; thence westerly by said Holland road to
13 its junction with the Old Danville road so-called; thence
14 southerly by said Old Danville road to its junction with
15 the Pownal road so-called; thence southerly by said Pow-

16 nal road to the Durham town line; thence northeasterly
17 by said Durham town line to the Androscoggin river;
18 thence northerly by said Androscoggin river to a point
19 opposite said Holland road; thence westerly to the junc-
20 tion of said Holland road and said South River road to
21 the point of beginning. Said district shall have a com-
22 mon seal and power to sue and be sued. The affairs of
23 said sewerage district shall be managed by a board of six
24 trustees, which in the first instance shall be the present
25 members of the Auburn water commissioners. The trustees
26 of the Auburn Sewerage District hereby created shall each
27 hold office according to the respective terms of office which
28 they now hold as members of the Auburn water commis-
29 sioners, and upon the expiration of said terms of office
30 one trustee shall thereafterwards be elected annually in
31 the month of March by the city council of Auburn to serve
32 for a term of six years. The city council may at any time
33 fill any vacancy in said trustees caused by death, resig-
34 nation or otherwise, or in the first instance by the refusal
35 to act of any member or members of the Auburn water
36 commissioners above denominated; in such case, however,
37 the trustees so appointed shall hold office for the unex-
38 pired term of the member whose office is made or left va-
39 cant. The mayor of the city for the time being shall be
40 ex-officio a trustee of the Auburn Sewerage District. Said
41 trustees shall annually in the month of March, after the
42 appointment by the city council of one member as herein

43 provided, organize by election one of their number presi-
44 dent and by electing a clerk and treasurer, and the com-
45 pensation of said clerk and treasurer shall be fixed at such
46 meeting.

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

Section two of chapter one hundred ninety-three of the
2 private and special laws of nineteen hundred seventeen is
3 hereby amended by striking out the word "act" in the fifth
4 line and inserting in place thereof the word 'laws' and by
5 striking out the word "successors" in the ninth line and
6 inserting in place thereof the word 'successor' so that said
7 section as amended shall read as follows:

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

12 Auburn and the municipal officers of the city of Auburn
13 in all matters covered by this act.'

Section eight of chapter one hundred ninety-three of the
2 private and special laws of nineteen hundred seventeen is
3 hereby amended by striking out the words "and shall not
4 exceed one and one-half mills on each dollar of valuation
5 for any one year" in the seventh and eighth lines thereof
6 and by striking out the words "subject, however, to said
7 maximum tax. Said special tax shall be levied annually
8 in the month of April" in the thirteenth, fourteenth and
9 fifteenth lines thereof, and by inserting in place of said
10 words in the thirteenth, fourteenth and fifteenth lines afore-
11 said the following: 'Said special tax shall be levied an-
12 nually within ninety days after the commitment of taxes
13 to the tax collector of the city of Auburn by the board
14 of assessors of said city, and shall be payable at such time
15 as shall be determined by vote of the trustees of said
16 sewerage district;' and by striking out the words "a spe-
17 cial" in the last line and inserting in place thereof the
18 word 'any' so that said section as amended shall read as
19 follows:

'Sect. 8. The Auburn Sewerage District is hereby au-
2 thorized to levy a special sewer tax on the valuation of
3 all property receiving service from its sewer system and
4 upon property against which an assessment for sewer con-
5 struction has been made. Said special tax shall be based
6 upon the valuation given the property upon which such

7 tax is authorized, by the board of assessors of the city
8 of Auburn. The amount of such tax shall be sufficient
9 to provide said sewerage district with the income neces-
10 sary, over and above that provided by section nine, to
11 meet its estimated expenditures of the ensuing year for
12 operating expenses, interest on bonds or other loans, sink-
13 ing fund, maintenance and such extensions as it shall not
14 seem expedient to provide for by issuing bonds as herein
15 provided. Said special tax shall be levied annually with-
16 in ninety days after the commitment of taxes to the tax
17 collector of the city of Auburn by the board of assessors
18 of said city, and shall be payable at such time as shall
19 be determined by vote of the trustees of said sewerage
20 district. The clerk of said district shall be the collector
21 of said special tax and may enforce the same in the same
22 manner as provided by law for the enforcement of any
23 tax levied by any municipal corporation.'

Section thirteen of chapter one hundred ninety-three of
2 the private and special laws of nineteen hundred seven-
3 teen is hereby amended by inserting after the words "water
4 rights" in the third and fourth lines thereof the words
5 'private drains or sewers' so that said section as amended
6 shall read as follows:

'Sect. 13. The said district shall for the purposes of
2 this act have power to take from time to time by right
3 of eminent domain, or to acquire by purchase or other-
4 wise, any lands, water rights, private drains or sewers,

5 rights of way or other easements in said city, public or
6 private, necessary for any of the purposes mentioned in
7 section twelve; and may construct such sewers and drains
8 under or over any water course, bridge, railroad, railway,
9 highway or other way, in such manner as not unneces-
10 sarily to obstruct the same; and may enter upon and dig
11 up any private land or way for the purpose of construct-
12 ing said systems, laying such sewers and drains, and main-
13 taining and repairing the same, and may do any other
14 thing necessary or proper in carrying out the purposes
15 of this act.'