

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 373

S. D. No. 189

In Senate, March 10, 1925.

Reported by Senator Hinckley from Committee on Judiciary
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Wilson of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Incorporate the Presque Isle Sewer District.

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

Section 1. *Territorial limits and corporate name.* That
2 part of the town of Presque Isle, and the inhabitants with-
3 in the same, which is bounded and described as follows:
4 Commencing at a point on the south line of that part of
5 the town of said Presque Isle which was formerly the town
6 of Maysville, and which will hereinafter be referred to
7 as Maysville, which point is the northwest corner of lot
8 numbered five (5) in said Presque Isle; thence easterly by
9 said south line of said Maysville to the southeast corner
10 of section numbered three (3) in said Maysville; thence

11 northerly by the east line of section numbered three (3),
12 in said Maysville, to the intersection of said east line with
13 the center line of the Fort Fairfield road as it is now lo-
14 cated; thence westerly by said Fort Fairfield road, to the
15 point where the same strikes the old road running to the
16 farm formerly owned by George A. Parsons and now owned
17 or occupied by Alice Kimball, said road not now being
18 used by the public and a portion of same having at one
19 time been occupied by the Aroostook Valley Railroad Com-
20 pany as a right of way; thence northwesterly by said old
21 road running to the so-called George A. Parsons farm to
22 the intersection of said road with the north line of section
23 numbered three (3) in said Maysville; thence westerly
24 along the north lines of sections numbered three (3), two
25 (2), and one (1), in said Maysville, to the northwest cor-
26 ner of lot numbered one (1), in section numbered one (1),
27 in said Maysville; thence southerly by the west line of said
28 lot numbered one (1) to the south line of said Maysville;
29 thence southerly from the last mentioned point, on a straight
30 line, to the northwest corner of lot numbered eighty-three
31 (83) in said Presque Isle; thence southerly by the west
32 line of said lot numbered eighty-three (83) to a point from
33 which a line drawn at right angles to said west line of said
34 lot numbered eighty-three (83) will strike the southwest
35 corner of lot numbered twenty-seven (27) in said Presque
36 Isle; thence easterly, in a straight line, to the said south-
37 west corner of lot numbered twenty-seven (27), in said

38 Presque Isle; thence easterly by said south line of said lot
39 numbered twenty-seven (27) to the southwest corner of
40 lot numbered twenty-six (26), in said Presque Isle; thence
41 northerly along the west line of said lot numbered twenty-
42 six to the south line of lot numbered fifteen (15), in said
43 Presque Isle; thence easterly by the south line of said lot
44 numbered fifteen (15) to the southwest corner of lot num-
45 bered fourteen (14), in said Presque Isle; thence northerly
46 by the west line of lots numbered fourteen (14) and five
47 (5), in said Presque Isle, to the south line of said Mays-
48 ville and the place of beginning; said lot numbers and sec-
49 tion numbers being according to the original surveys of
50 that part of said Presque Isle which was formerly Mays-
51 ville and of said Presque Isle, made and returned to the
52 state land office, is hereby created a body politic and cor-
53 porate by the name of Presque Isle Sewer District for the
54 purpose of providing in said district a system of public
55 sewerage and drainage for the comfort, convenience and
56 health of the inhabitants of said district, with all the rights,
57 privileges and immunities incident to similar corporations.

Provided, however, that it shall not construct any system
2 of drainage or sewerage, without first having submitted its
3 plans to the public utilities commission, and obtained its
4 approval therefor in writing, under power vested in said
5 commission by chapter ninety-eight of the public laws of
6 nineteen hundred and seventeen.

Sect. 2. *Provisions for sewer and drainage system.* For

2 the purpose of providing a system of sewers and drainage
3 for the comfort, convenience and health of the inhabitants
4 of said district, the said district is hereby authorized and
5 empowered to: Acquire and hold real estate and personal
6 estate necessary and convenient for the purposes aforesaid,
7 and is hereby authorized to take and hold by purchase, lease
8 or the exercise of the right of eminent domain, as herein-
9 after provided, or otherwise, any land or real estate or
10 easement therein necessary for forming basins, reservoirs
11 and outlets; for erection of buildings for pumping works,
12 and for laying pipes and maintaining same and for laying
13 and maintaining conduits for carrying and collecting, dis-
14 charging and disposing of sewerage matter and waters and
15 for other objects necessary, convenient and proper for the
16 purposes of this act.

Said district shall be liable to pay all damages that shall
2 be sustained by any person or corporation in their property
3 by the taking of any land or easements therein, under the
4 provisions of this act; and if any person or corporation
5 sustaining damages as aforesaid, and the district shall not
6 mutually agree upon the sum to be paid therefor, such per-
7 son or corporation may cause his or its damages to be
8 ascertained in the same manner and under the same con-
9 ditions and limitations as are by law prescribed in the case
10 of damages resulting from the laying out of highways.

Said district may lay pipes, and construct conduits in man-
2 ner aforesaid in and through said district to and into the

3 Presque Isle stream, the discharge therefrom to be at such
4 point or points in said Presque Isle stream as shall be most
5 reasonable and convenient for said district, and convey
6 through the same, sewerage, surface water and the natural
7 flowage of existing water courses, and secure and maintain
8 basins, reservoirs and outlets; may build and maintain
9 pumping stations and buildings convenient for same; may
10 construct and maintain flush tanks, man-holes, lamp holes,
11 and such usual appliances for collecting, holding, distribut-
12 ing and disposing of sewerage matters; may provide water
13 for such flush tanks and for flushing said system of sewers
14 and for any other purposes for which said district may
15 deem the same desirable, and install all pipes and neces-
16 sary structures and appliances to this end; may establish
17 through and by its trustees regulations for the use of sewers
18 and fix and collect the prices to be paid for entering the
19 same, and also the annual rentals for using thereof; and
20 said district is hereby authorized for the purposes afore-
21 said, to lay down, in and through the streets, highways, and
22 land of said district, and take up, replace and repair all
23 such conduits, pipes, and fixtures as may be necessary or
24 desirable for the objects of its incorporation; to carry and
25 lay conduits and pipes under any water course, way, public
26 or private, or railroad, in the manner prescribed by law,
27 and to cross any drain or sewer, or, if necessary, to change
28 its direction in such a manner as not to obstruct the use
29 thereof, and to enter and dig up any such streets, road or

30 way, for the purpose of laying pipes beneath the surface
31 thereof, for placing man-holes or other fixtures and for
32 maintaining or repairing the same, and in general to do any
33 other acts or things necessary, convenient and proper to be
34 done for the purpose of this act.

Said district at all times, after it shall commence receiv-
2 ing pay for the facilities supplied by it, shall be bound to
3 permit the owners of all premises abutting upon its lines
4 of pipes and conduits, to enter the same with all proper
5 sewerage upon conformity to the rules and regulations of
6 said Presque Isle Sewer District, and payment of the prices
7 and rentals established therefor.

Any person who shall place or leave any offensive or in-
2 jurjous matter or material on or in the conduits, catch-
3 basins, or receptacles of said district contrary to its regu-
4 lations, or shall wilfully injure any conduit, pipe, reservoir,
5 flush tank, catch-basin, man-hole, lamp-hole, outlet, engine,
6 pump or other property held, owned or used by said dis-
7 trict for the purposes of this act, shall pay twice the amount
8 of the damages to said district to be recovered in any proper
9 action; and such person on conviction of either of said acts
10 of wilful injury aforesaid, shall be punished by a fine not
11 exceeding two hundred dollars, and by imprisonment not
12 exceeding one year.

Said district shall be liable to any person injured by any
2 fault of said district or its agents, or any defects in the
3 highway occasioned by the construction of the works, i. e.,

4 sewer system, of said district during said construction or
5 after the same has been completed or while the same shall
6 be undergoing repairs or extensions are being made; and
7 said district shall also be liable to the said town of Presque
8 Isle for any and all costs, damages, and expenses which
9 said town may suffer or be put to, by reason of the default,
10 neglect, negligence or carelessness of said district or of any
11 of its officers, servants or agents in creating, maintaining
12 or repairing said sewer system.

Sections five to eleven inclusive of chapter twenty-two of
2 the revised statutes shall apply to sewers and drains con-
3 structed hereunder by said district and the acceptance of
4 this charter by the legal voters within the limits of said
5 district as is hereinafter provided, shall constitute an ac-
6 ceptance of said sections, as an acceptance is prescribed
7 and contemplated by section twelve of said chapter twenty-
8 two. In the application of said sections five to eleven, the
9 trustees of said district shall perform all acts and duties
10 and be subject to all responsibilities of municipal officers
11 as prescribed by said sections.

Sect. 3. *Affairs to be managed by board of trustees; how
2 elected; powers and duties; shall publish annual report.*

3 All the affairs of said district shall be managed by a board
4 of three trustees, residents or owners of real estate there-
5 in, who shall be elected by ballot of the persons therein
6 legally qualified to vote in town meetings. They shall hold
7 office for the term of three years and until their respective

8 successors are chosen and qualified, except, however, as
9 hereinafter provided. Vacancies shall be filled for the un-
10 expired term.

The first board of trustees shall be elected at the meeting
2 called for the acceptance of this act, one to serve until the
3 first annual meeting of the district, one until the second,
4 and one until the third such meeting. Thereafterward, one
5 member shall be chosen at each annual meeting to serve
6 for the term of three years. If a vacancy occurs in said
7 board more than three months before the date of the next
8 succeeding annual meeting, a special meeting shall be called
9 to fill the vacancy, and all vacancies existing at the date
10 of an annual meeting shall then be filled.

As soon as convenient after said first election the trustees
2 shall hold a meeting at some convenient place in the dis-
3 trict to be called by any member thereof in writing desig-
4 nating the time and place and delivered in hand to the
5 other two members not less than two full days before the
6 meeting; provided, however, that they may meet by agree-
7 ment without such notice. They shall then organize by the
8 election of a chairman and clerk from their own number,
9 adopt a corporate seal and by-laws, and perform any other
10 acts within the powers delegated to them by law. When
11 necessary they may choose a treasurer and other needful
12 officers and agents who shall serve at their pleasure. The
13 treasurer shall furnish bond in such sum and with such
14 sureties as they may approve. Members of the board shall

15 be eligible to any office under the board, but shall not re-
16 ceive any compensation therefor except as trustees unless
17 authorized by vote of the district. The compensation of
18 the trustees shall be fifty dollars each per annum unless
19 otherwise provided by vote of the district.

The trustees shall be sworn to the faithful performance
2 of their duties as such, which shall include the duties of
3 any member as clerk or clerk pro tem. They shall make
4 and publish an annual report including a report of the
5 treasurer.

Sect. 4. *Annual and special meeting; qualification of*
2 *voters.* The annual meeting of the district shall be held
3 in the district on the date of the annual town meeting of
4 the town of Presque Isle, at such hour and place as may
5 be designated by resolution of the board of trustees as pro-
6 vided in the by-laws. Notice thereof, signed by the chair-
7 man or clerk of the board, shall be conspicuously posted
8 in two public places within the district, not less than seven
9 days before the meeting. Special meetings may be called
10 by the board in like manner at any time, and notices of
11 special meetings shall state the business to be transacted
12 thereat. Eleven persons qualified to vote in such meetings
13 shall constitute a quorum. If for any reason an annual
14 meeting is not held on the above date, a meeting in lieu
15 thereof may be called in like manner to be held within three
16 months from said date.

All persons resident in said district and qualified to vote

2 for governor under the laws of this state shall be entitled
3 to vote in any meeting of the district, including the meet-
4 ing for acceptance of this charter.

Sect. 5. *Trustees to act as board of registration in de-*
termining qualification of voters. After the meeting for
3 acceptance of this charter, the trustees shall have the same
4 powers and perform the same duties as otherwise are exer-
5 cised and performed by the selectmen of towns in correct-
6 ing and preparing lists of the persons qualified to vote in
7 said district, and for that purpose they shall be in session
8 at the place designated for holding the meeting between
9 the hours of ten o'clock in the forenoon and twelve o'clock
10 noon of the secular day next before the date of every meet-
11 ing; and two hours next before the opening of the meet-
12 ing, and notice thereof shall be given in the call for the
13 meeting. All meetings of the district shall be presided over
14 by a moderator chosen in the same manner and with the
15 same authority as moderators of town meetings.

Sect. 6. *May contract for handling sewage matter with*
town of Presque Isle, or with other corporations or indi-
3 *viduals.* Said district through its trustees is authorized to
4 contract with persons and corporations including the town
5 of Presque Isle, and said town of Presque Isle is author-
6 ized to contract with it, for the collection, discharge, and
7 disposition of sewage or other waste matter.

Sect. 7. *District authorized to acquire by purchase or*
2 *right of eminent domain plant belonging to town of Presque*
3 *Isle; town of Presque Isle authorized to sell its present plant*

4 to *Presque Isle Sewer District*. Said sewer district is here-
5 by authorized and empowered to acquire by purchase or
6 by the exercise of the right of eminent domain, which right
7 is hereby expressly delegated to said district for said pur-
8 pose, the entire plant and property of the sewage system
9 now in said district and owned by the town of Presque
10 Isle; and the town of Presque Isle is hereby authorized and
11 empowered to sell its said sewage plant and system to said
12 district, provided the voters in said town shall at a town
13 meeting legally called, notified, and held, legally vote so
14 to do.

Sect. 8. *Exempt from taxation*. The property, rights and
2 franchises of said district shall be forever exempt from
3 taxation.

Sect. 9. *May issue bonds and negotiate temporary loans;*
2 *bonds legal investment for savings banks*. For accomplish-
3 ing the purposes of this act said district is hereby author-
4 ized and empowered through its trustees, to issue its notes,
5 bonds and other evidences of indebtedness to an amount
6 sufficient to procure funds to pay the expenses incurred in
7 acquiring and constructing its plant or plants, properties
8 and franchises and for further extensions, additions and
9 improvements of the same, whether done at one time or
10 from time to time, and to refund the same as they shall
11 fall due. Said notes, bonds and other evidences of indebt-
12 edness shall be a legal obligation of said district, which is
13 hereby declared to be a quasi-municipal corporation within

14 the meaning of section one hundred and five of chapter
15 fifty-one of the revised statutes of nineteen hundred and
16 sixteen, and all the provisions of said section and acts
17 amendatory thereof shall be applicable thereto. Said bonds
18 shall be a legal investment for savings banks. The trus-
19 tees may also borrow on the notes of the district such sums
20 as may be necessary to meet the current expenses of the
21 district in anticipation of the collection of rates.

Sect. 10. *Rates; sinking fund created.* All individuals,
2 firms and corporations, whether public, private or munici-
3 pal, shall pay to the treasurer of said district the rates estab-
4 lished by the board of trustees for the service used by them,
5 and said rates shall be uniform within the district. Said
6 rates shall be so established as to provide revenue for the
7 following purposes:

1. To pay the current running expense of the district
2 including maintenance and provision for depreciation.

2. To provide for payment of interest on the indebted-
2 ness of the district.

3. To provide each year a sum equal to not less than one
2 or more than five per cent of the entire indebtedness of
3 the district, which sum shall be turned into a sinking fund
4 to provide for the final extinguishment of the debt. The
5 money so set aside shall be devoted to the retirement of the
6 obligations of the district, or invested in securities lawful
7 for savings banks. Provided, however, that the trustees
8 may, in their discretion and in lieu of the establishment of

9 a sinking fund, issue bonds of the district so that not less
10 than one per centum of the amount of the bonds so issued
11 shall mature and be retired annually.

Sect. 11. *Incidental powers and rights granted.* Said dis-
2 trict is hereby vested with all incidental powers, rights and
3 privileges necessary to the accomplishment of the main ob-
4 jects of this act.

Sect. 12. *Not operative until accepted by legal voters of*
2 *district.* This act shall take effect when approved by ma-
3 jority vote of the legal voters within said district voting
4 by ballot at an election to be specially called and held for
5 the purpose after ninety days from the date of final ad-
6 journment of this session of the legislature. The board
7 of selectmen of the town of Presque Isle shall call said
8 election to be held upon a date to be specified in writing
9 by not less than four of the following persons now resident
10 therein, namely: Ralph Sprague, John E. Estey, Wilfred
11 S. Thompson, Nathan P. Cook, Carl A. Weick, Edward
12 A. Keirstead, and George F. Washburn. Said board of
13 selectmen shall make and provide a separate check list for
14 such of the voters within said district as are then legal
15 voters therein, and all warrants issued to said district shall
16 be varied accordingly to show that only such voters therein
17 are entitled to vote thereon. Such election shall be called,
18 advertised and conducted according to the law relating to
19 municipal elections, providing, however, that the selectmen
20 shall not be required to prepare or the town clerk to post

21 a new check list of voters, and for this purpose said board
22 shall be in session the two secular days next preceding such
23 election, the first day thereof to be devoted to the regis-
24 tration of voters and the last day to enable the board to
25 verify the corrections of said list and to complete and close
26 up the records of said sessions. The town clerk shall re-
27 duce the subject matter of this act to the following ques-
28 tion: "Shall the act to incorporate the Presque Isle Sewer
29 District be accepted?", and the voters shall indicate by de-
30 positing a ballot in the ballot box with the word "yes" or
31 "no" on the same, their opinion of the same. The result
32 shall be declared in open meeting and due certificate there-
33 of filed by the town clerk with the secretary of state. If
34 the majority of the votes cast shall be in the affirmative,
35 said voters shall then proceed by written ballot to elect a
36 board of trustees of said district as provided in section three
37 of this act. Eleven qualified voters of said district shall
38 constitute a quorum for the purposes of this election, but
39 a less number may adjourn from time to time not exceed-
40 ing seven days at one time.