

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 108

S. P. 238

In Senate, Feb. 5, 1929.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Greenleaf of Androscoggin.

STATE OF MAINE

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

AN ACT to Incorporate the Sabattus Water and Sewer
District.

Emergency Preamble. Whereas, the situation in Sabattus Village in the town of Webster with respect to the disposal of sewage has become unsanitary and dangerous to the health of the inhabitants of said village, which situation it has been found impracticable to remedy properly, except by means of a water works and sewerage system, and whereas the inhabitants of said Sabattus Village are without an adequate supply of pure water for domestic and public purposes, and whereas these facts rendered the passage of this act immediately necessary for the preservation of the public health, peace and safety

and constitute an emergency within the meaning of the constitution, now, therefore,

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

Section 1. *Territorial limits and corporate name; plans to be submitted to public utilities commission.* That part of the town of Webster, and the people within the same, which is bounded and described as follows: Commencing on the westerly shore of Sabattus pond at a stone monument, marking the town line between the town of Webster and the town of Greene; thence southeasterly in a straight line across Sabattus pond and the right of way of the Maine Central Railroad to a point where the middle line of the road leading from Sabattus to Gardiner intersects the middle line of the road leading from Wales to Lisbon; thence southwesterly along the middle line of said Lisbon road, past the Pleasant Hill cemetery and across the Sabattus river and past the old Jordan school house, to a point where said middle line of the Lisbon road intersects the middle line of the road leading from Sabattus to Lisbon; thence in a true westerly course to the town line between the town of Webster and the city of Lewiston; thence northerly, following said Lewiston line to the Greene town line; thence northeasterly along said Greene town line to the stone monument, at the point of beginning, shall constitute a body corporate and politic under the name of the Sabattus Water and Sewer District for the purpose of supplying the inhabitants of said district and of the town of Webster and said

25 town of Webster with water for domestic, sanitary, man-
26 ufacturing, fire protection and municipal purposes, and for
27 the purpose of providing in said district, and in any part
28 of the town of Webster contiguous thereto, a system of
29 public sewerage, drainage and such other facilities, con-
30 veniences and improvements as they may deem for the com-
31 fort, convenience and health of the people of said district
32 and of said contiguous territory, with all the rights, privi-
33 leges and immunities incident to similar corporations.

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

Sect. 2. *Right of eminent domain conferred.* The said
2 district, for the aforesaid purposes, is authorized to take
3 and hold as for public uses, sufficient water of any under-
4 ground or surface brooks, streams, springs, lakes or ponds
5 wholly or partly in the towns of Webster, Wales or Greene
6 or the cities of Lewiston or Auburn; to take and hold as
7 aforesaid by purchase or otherwise any land or real estate
8 necessary for erecting dams, power plants, reservoirs, stand-
9 pipes, or for preserving the purity of the water or water-
10 shed and for laying and maintaining aqueducts for taking,
11 distributing, discharging and disposing of water, and for
12 forming and maintaining basins, reservoirs, mains, pipes,

13 outlets and other necessary conveniences for the collection,
14 discharge and disposition of sewage matter, and for all other
15 objects necessary for the convenient and proper enjoyment
16 of any of the purposes of this act, including rights of way
17 or roadways to its source of supply, points of discharge
18 and other properties, anywhere in the town of Webster.
19 And the right of eminent domain is hereby expressly dele-
20 gated to said district for the aforesaid purposes. Said dis-
21 trict is further authorized to purchase water for said pur-
22 poses from municipal, quasi-municipal, or private corpora-
23 tions, firms or individuals and any such corporation exist-
24 ing under the laws of this state is authorized to sell, and
25 to make contracts for the sale of, water to it from what-
26 ever source it may be obtaining the same, for any of the
27 purposes and under any of the powers contained in its
28 charter.

Sect. 3. *Mains, pipes, etc., may be laid along public ways
2 and across private lands.* Said district is hereby author-
3 ized to lay in and through the streets, roads and ways in
4 said district, and in the town of Webster where its corpo-
5 rate services are rendered or its water supply is collected,
6 conveyed or distributed, or sewage and other waste matter
7 is collected, conveyed, discharged or otherwise disposed of,
8 and across private lands therein, and to maintain, repair
9 and replace, all such pipes, aqueducts, mains and fixtures
10 as may be necessary and convenient for its corporate pur-
11 poses; and wherever it shall lay any pipe, aqueduct or

12 main in any street, road or way, it shall cause the same
13 to be done with as little obstruction as practicable to the
14 public travel, and shall, at its own expense, without unneces-
15 sary delay, cause the earth and pavement removed by it to
16 be replaced in proper condition.

Sect. 4. *Procedure as to exercise of right of eminent do-*
2 *main.* In exercising any right of eminent domain conferred
3 upon it by law, from time to time, the said district shall
4 file in the office of the county commissioners of the county
5 where such lands or water rights are situated and record
6 in the registry of deeds in said county, plans of the loca-
7 tion of all lands or interests therein or water rights, to be
8 taken, with an appropriate description and the names of
9 the owners thereof, if known. When for any reason the
10 district fails to acquire the property authorized to be taken,
11 and which is described in such location or the location re-
12 corded is defective or uncertain, it may, at any time, cor-
13 rect and perfect such location and file a new description
14 thereof, and in such case the district is liable in damages
15 only for property for which the owner had not previously
16 been paid, to be assessed as of the time of the original
17 taking, and the district shall not be liable for any acts which
18 would have been justified if the original taking had been
19 lawful. No entry shall be made on any private lands, ex-
20 cept to make surveys, until the expiration of ten days from
21 such filing, whereon possession may be had of all said lands
22 or interests therein or water rights so taken, but title there-

23 to shall not vest in said district until payment therefor.

Sect. 5. *Adjustment of damages.* If any person sustain-
2 ing damages by any taking as aforesaid, shall not agree with
3 said district upon the sum to be paid therefor, either party,
4 upon petition to the county commissioners of the county
5 where said lands or water rights are situated, may have
6 said damages assessed by them; the procedure and all sub-
7 sequent proceedings and right of appeal thereon shall be
8 had under the same restrictions, conditions and limitations
9 as are or may be by law prescribed in the case of damages
10 by the laying out of highways.

Sect. 6. *Procedure as to crossing of railroads.* In case
2 of any crossing of a railroad, unless consent is given by
3 the company owning or operating such railroad as to place,
4 manner and conditions of the crossing, within thirty days
5 after such consent is requested by said district, the public
6 utilities commission shall determine the place, manner and
7 condition of such crossing; and all work within the limits
8 of such railroad location shall be done under the super-
9 vision and to the satisfaction of such railroad company, but
10 at the expense of the district.

Sect. 7. *Affairs to be managed by board of trustees; how
2 elected; powers and duties; shall publish annual report.* All
3 the affairs of said district shall be managed by a board of
4 three trustees, residents of said district and owners of real
5 estate therein, who shall be elected by ballot of the persons
6 therein legally qualified to vote in town meetings. They

7 shall hold office for the term of three years and until their
8 respective successors are chosen and qualified, except, how-
9 ever, as hereinafter provided. Vacancies shall be filled for
10 the unexpired 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 regular annual meeting of the district, one until the
4 second, and one until the third such meeting. Thereafter-
5 ward, one member shall be chosen at each annual meeting
6 to serve for the term of three years. If a vacancy occurs
7 in said board more than three months before the date of
8 the next succeeding annual meeting, a special meeting shall
9 be called to fill the vacancy, and all vacancies existing at
10 the date 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 other
5 two members not less than two full days before the meet-
6 ing; provided, however, that they may meet by agreement
7 without such notice. They shall then organize by the elec-
8 tion of a chairman and clerk from their own number, adopt
9 a corporate seal and by-laws, and perform any other acts
10 within the powers delegated to them by law. When neces-
11 sary they may choose a treasurer and other needful offi-
12 cers and agents who shall serve at their pleasure. The treas-
13 urer shall furnish bond in such sum and with such sureties

14 as they may approve. Members of the board shall be eligi-
15 ble to any office under the board, but shall not receive any
16 compensation therefor except as trustees unless authorized
17 by vote of the district. The compensation of the trustees
18 shall be fifty dollars each per annum unless otherwise pro-
19 vided 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. 8. *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 Webster, at such hour and place as may be
5 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 meeting
4 for acceptance of this charter.

Sect. 9. *Trustees to act as board of registration in deter-*
2 *mining qualification of voters.* After the meeting for ac-
3 ceptance 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 the
9 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. 10. *May contract for water supply with town of*
2 *Webster, or with other corporations or individuals.* Said
3 district through its trustees is authorized to contract with
4 persons and corporations including the town of Webster
5 and said town of Webster is authorized to contract with it,
6 for furnishing water for domestic, sanitary, manufacturing
7 or municipal purposes, and for the collection, discharge, and
8 disposition of sewage or other waste matter.

Sect. 11. *Exempt from taxation.* The property, rights
2 and franchises of said district shall be forever exempt from
3 taxation.

Sect. 12. *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
7 in 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, also to pay for expenses incurred in the creation
12 of said district. Said notes, bonds and other evidences of
13 indebtedness shall be a legal obligation of said district, which
14 is hereby declared to be a quasi-municipal corporation with-
15 in the meaning of section one hundred and five of chapter
16 fifty-one of the revised statutes of nineteen hundred and
17 sixteen, and all the provisions of said section and acts
18 amendatory thereof shall be applicable thereto. Said bonds
19 shall be a legal investment for savings banks. The trustees
20 may also borrow on the notes of the district such sums as
21 may be necessary to meet the current expenses of the dis-
22 trict in anticipation of the collection of rates.

Sect. 13. *Water rates; sinking fund created.* All indi-
2 viduals, firms and corporations, whether public, private or

3 municipal, shall pay to the treasurer of said district the
4 rates established by the board of trustees for the service
5 used by them, and said rates shall be uniform within the
6 district. Said rates shall be so established as to provide
7 revenue for the following purposes:

I. To pay the current running expenses of the district
2 including maintenance and provision for depreciation.

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

III. To provide each year a sum equal to not less than
2 one nor more than five per cent of the entire indebtedness
3 of the district, which sum shall be turned into a sinking
4 fund to provide for the final extinguishment of the debt.
5 The money so set aside shall be devoted to the retirement
6 of the obligations of the district, or invested in securities
7 lawful for savings banks. Provided, however, that the trus-
8 tees may, in their discretion and in lieu of the establishment
9 of a sinking fund, issue bonds of the district so that not
10 less than one per centum of the amount of the bonds so
11 issued shall mature and be retired annually.

Sect. 14. *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. 15. *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 by

4 ballot at an election to be specially called and held for the
5 purpose. The board of selectmen of the town of Webster
6 shall call said election to be held upon a date to be specified
7 in writing by not less than four of the following persons
8 now resident therein, namely: William F. Huen, Charles
9 C. Holden, Wendell E. Maxwell, Tileston E. Woodside,
10 Wilton S. Campbell, C. M. Randlette, Mattie B. Holden.
11 Said board of selectmen shall make and provide a separate
12 check list for such of the voters within said district as are
13 then legal voters therein, and all warrants issued to said
14 district shall be varied accordingly to show that only such
15 voters therein are entitled to vote thereon. Such election
16 shall be called, advertised and conducted according to the
17 law relating to municipal elections, providing, however, that
18 the selectmen shall not be required to prepare, or the town
19 clerk to post, a new check list of voters, and for this purpose
20 said board shall be in session the two secular days next pre-
21 ceding such election, the first day thereof to be devoted to
22 the registration of voters and the last day to enable the
23 board to verify the corrections of said list and to complete
24 and close up the records of said sessions. The town clerk
25 shall reduce the subject matter of this act to the following
26 question: "Shall the act to incorporate the Sabattus Water
27 and Sewer District be accepted?" and the voters shall indi-
28 cate by depositing a ballot in the ballot box with the word
29 "Yes" or "No" on the same, their opinion of the same.
30 The result shall be declared in open meeting and due certifi-

31 cate thereof filed by the town clerk with the secretary of
32 state. If the majority of the votes cast shall be in the
33 affirmative, said voters shall then proceed by written ballot
34 to elect a board of trustees of said district as provided in
35 section seven of this act. Eleven qualified voters of said
36 district shall constitute a quorum for the purposes of this
37 election, but a less number may adjourn from time to time
38 not exceeding seven days at one time.

Sect. 16. *Emergency clause.* In view of the emergency
2 cited in the preamble, this act shall take effect when ap-
3 proved, subject to the provisions of section fifteen of this
4 act.