

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 206

S. P. 525

In Senate, Feb. 20, 1929.

Reported by Senator Weathebee of Penobscot from Committee on Public Utilities and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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

23 Sabattus Water and Sewer District for the purpose of
24 supplying the inhabitants of said district and of the town
25 of Webster and said town of Webster with water for
26 domestic, sanitary, manufacturing, fire protection and muni-
27 cipal purposes, and for the purpose of providing in said
28 district, and in any part of the town of Webster contiguous
29 thereto, a system of public sewerage, drainage, and such
30 other facilities, conveniences and improvements as they may
31 deem for the comfort, convenience and health of the people
32 of said district and of said contiguous territory, with all
33 the rights, privileges and immunities incident to similar
34 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 vest-
5 ed 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 to take and hold as aforesaid by purchase or otherwise any
7 land or real estate necessary for erecting dams, power
8 plants, reservoirs, standpipes, or for preserving the purity
9 of the water or watershed and for laying and maintaining

10 aqueducts for taking, distributing, discharging and dispos-
11 ing of water, and for forming and maintaining basins, reser-
12 voirs, mains, pipes, outlets and other necessary conveniences
13 for the collection, discharge and disposition of sewage mat-
14 ter, and for all other objects necessary for the convenient
15 and proper enjoyment of any of the purposes of this act,
16 including rights of way or roadways to its source of sup-
17 ply, points of discharge and other properties, anywhere in
18 the town of Webster. And the right of eminent domain
19 is hereby expressly delegated to said district for the afore-
20 said purposes. Said district is further authorized to sell,
21 and to make contracts for the sale of water from whatever
22 source it may be obtaining the same, for any of the pur-
23 poses and under any of the powers contained in its charter.

Sect. 3. *Mains, pipes, etc., may be laid along public ways
2 and across private lands.* Said district is hereby authorized
3 to lay in and through the streets, roads and ways in said
4 district, and in the town of Webster where its corporate
5 services are rendered or its water supply is collected, con-
6 veyed or distributed, or sewage and other waste matter is
7 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 main
12 in any street, road or way, it shall cause the same to be
13 done with as little obstruction as practicable to the public

14 travel, and shall, at its own expense, without unnecessary
15 delay, cause the earth and pavement removed by it to be
16 replaced in proper condition.

Sect. 4. *Procedure as to exercise of right of eminent
2 domain.* In exercising any right of eminent domain con-
3 ferred upon it by law, from time to time, the said district
4 shall file in the office of the county commissioners of the
5 county where such lands or water rights are situated and
6 record in the registry of deeds in said county, plans of the
7 location of all lands or interests therein or water rights, to
8 be taken, with an appropriate description and the names
9 of 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 tak-
17 ing, 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
3 with said district upon the sum to be paid therefor, either
4 party, upon petition to the county commissioners of the
5 county where said lands or water rights are situated, may
6 have said damages assessed by them; the procedure and all
7 subsequent proceedings and right of appeal thereon shall
8 be had under the same restrictions, conditions and limita-
9 tions as are or may be by law prescribed in the case of
10 damages 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 supervision
9 and to the satisfaction of such railroad company, but at the
10 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 legal voters
5 therein, who shall be elected by ballot of the legally qualified
6 voters in town meetings. They shall hold office for the
7 term of three years and until their respective successors
8 are chosen and qualified, except, however, as hereinafter

9 provided. Vacancies shall be filled for 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 officers
12 and agents who shall serve at their pleasure. The treasurer
13 shall furnish bond in such sum and with such sureties as
14 they may approve. Members of the board shall be eligible
15 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 vot-*
2 *ers.* The annual meeting of the district shall be held in the
3 district on the date of the annual town meeting of the town
4 of Webster, at such hour and place as may be designated
5 by resolution of the board of trustees as provided in the
6 by-laws. Notice thereof, signed by the chairman or clerk
7 of the board, shall be conspicuously posted in two public
8 places within the district, not less than seven days before
9 the meeting. Special meetings may be called by the board
10 in like manner at any time, and notices of special meetings
11 shall state the business to be transacted thereat. Eleven
12 persons qualified to vote in such meetings shall constitute
13 a quorum. If, for any reason, an annual meeting is not held
14 on the above date, a meeting in lieu thereof may be called
15 in like manner to be held within three months from said
16 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. 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 noon
10 of the secular day next before the date of every meeting;
11 and two hours next before the opening of the meeting; and
12 notice thereof shall be given in the call for the meeting.
13 All meetings of the district shall be presided over by a
14 moderator chosen in the same manner and with the same
15 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 saving banks.* For accomplish-
3 ing the purposes of this act said district is hereby authorized
4 and empowered through its trustees, to issue its notes, bonds
5 and other evidences of indebtedness to an amount sufficient
6 to procure funds to pay the expenses incurred in acquiring
7 and constructing its plant or plants, properties and fran-
8 chises and for further extensions, additions and improve-
9 ments of the same, whether done at one time or from time
10 to time, and to refund the same as they shall fall due, also
11 to pay for expenses incurred in the creation of said district.
12 Said notes, bonds and other evidences of indebtedness shall
13 be a legal obligation of said district, which is hereby de-
14 clared to be a quasi-municipal corporation within the mean-
15 ing of section one hundred and five of chapter fifty-one of
16 the revised statutes of nineteen hundred and sixteen, and
17 all the provisions of said section and acts amendatory there-
18 of shall be applicable thereto. Said bonds shall be a legal
19 investment for savings banks. The trustees may also bor-
20 row on the notes of the district such sums as may be neces-
21 sary to meet the current expenses of the district in anticipa-
22 tion 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 in-
2 cluding 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 or 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
8 trustees may, in their discretion and lieu of the establish-
9 ment of a sinking fund, issue bonds of the district so that
10 not less than one per centum of the amount of the bonds
11 so 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 pur-
20 pose said board shall be in session the two secular days next
21 preceding such election, the first day thereof to be devoted
22 to the registration of voters and the last day to enable the
23 board to verify the correctness 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 certi-
31 ficate 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
38 time 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.

Sect. 17. Nothing herein contained is intended to repeal,
2 or shall be construed as repealing, the whole or any part of
3 any existing statute, and all the rights and duties herein
4 mentioned shall be exercised and performed in accordance
5 with all the applicable provisions of chapter fifty-five of the
6 revised statutes, and all acts amendatory thereof or addi-
7 tional thereto.

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