

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 949

H. P. 1783

House of Representatives, February 21, 1939.

Received by unanimous consent. Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hall of Wilton by request.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT to Incorporate the Wilson Lake Sewer District in the Town of
Wilton.**

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

Sec. 1. The territory lying near the foot of Wilson lake in the town of Wilton, more particularly bounded and described as follows:

Beginning at the stone steps situated near the foot of Wilson lake on the easterly shore thereof between land owned by the town of Wilton and G. H. Bass & Co., formerly occupied by an icehouse; thence easterly along the line between the land of the town of Wilton and G. H. Bass & Co. and the town of Wilton and Frances Turner to the land of G. H. Bass & Co.; thence southerly along the line between the land of the town of Wilton and G. H. Bass & Co. to the shore of the outlet of Wilson lake; thence easterly along the northerly shore of the outlet of Wilson lake and the northerly shore of Wilson stream to the line between land of G. H. Bass & Co. and the Brookside Filling Station; thence at right angles across Wilson stream and the highway known as U. S. Route 2 and Maine 4, to the line between said highway and land of G. H. Bass & Co. on the lot of the Ellis House so-called; thence westerly between the line of said highway and the line of the Ellis House lot and land of Mark E. Allen and land of Fred Bemis and land of Hattie E. Miller to the land of Johnson B. Wood; thence south-

easterly along the line between the land of Johnson B. Wood and Hattie E. Miller to the land of George F. Goodspeed; thence southerly along the line between the land of Johnson B. Wood and of George F. Goodspeed, to and across Fernald street so-called; thence southerly on line between the land of George F. Goodspeed and Fred E. Wilkins and Mrs. Arthur Wilkins to the stone wall separating the field of the aforesaid Mrs. Arthur Wilkins from the wood lot also belonging to Mrs. Arthur Wilkins; thence westerly along the line of said stone wall to the highway known as the New Jay road or Maine Route 4, continuing in the same line across said highway; thence northerly along the westerly line of said highway to the line between the land of Milford Dyke and Charles Butterfield; thence westerly along the line between the land of Milford Dyke and Charles Butterfield to the land of Ralph Wood; thence northwesterly across the land of Ralph Wood and across the highway known as the Old Jay road to the line between the land of Ralph Wood and Dorothy Lothrop; thence along the line between the land of Ralph Wood and Dorothy Lothrop to the land of Elmer Mosher; thence northerly along the line between the land of Elmer Mosher and Ralph Wood and between the land of Elmer Mosher and Chester Murray; thence across the land of Elmer Mosher following the line of an old stone wall to the corner of the land of Alice Collins and Elton Davenport; thence northwesterly along the line between the land of Elton Davenport and Elmer Mosher to the land of G. H. Bass & Co. formerly owned by George Holbrook and known as the Holbrook lot; thence southwest-erly on the line between the land of the Holbrook lot and the land of Elmer Mosher to the land of Inez Gilbert; thence northwesterly along the line between the Holbrook lot and the land of Inez Gilbert to the land of Abbie Bradbury; thence northwesterly along the line between the land of Abbie Bradbury and Charles Preston to the land of Roxie Hall; thence northwesterly along the line between the land of Roxie Hall and Abbie Bradbury to the highway around Wilson Lake known as the East Dixfield road or U. S. Route 2; thence northwesterly along the line between said highway and the land of Roxie Hall to a point opposite the line between the land of Frank Young and the land of G. H. Bass & Co. formerly occupied by an icehouse; thence northeasterly across said highway and along the line between land of Frank Young and land of G. H. Bass & Co. to the shore of Wilson Lake; and thence across Wilson lake to the point of beginning; the said territory and the inhabitants thereof shall constitute a body politic and corporate, under the name of the Wilson Lake Sewer District, for the purpose of providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 2. Authorized to acquire and hold property; right of eminent domain conferred; property exempt from taxation. Said district is authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid, and is hereby authorized to take and hold by purchase, lease or the exercise of eminent domain any land or real estate or easement therein for forming basins, reservoirs and outlets; for erection of buildings for pumping works, and for the laying and maintaining of pipes or conduits for carrying, collecting and treating, discharging and disposing of sewerage matter and waters and for other objects necessary and convenient for the purpose of this act.

Assessment of damages; procedure. Said district shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the taking of any land or easements therein, under the provisions of this act; and if any person or corporation sustaining damages as aforesaid, and the district shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause his or its damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages resulting from the laying out of highways.

Property tax exempt. All property of the said district used and useful for the purposes of this act, its rights and franchises, shall be forever exempt from taxation.

Sec. 3. Right to lay pipes and to operate a sewerage system. Said district may lay pipes and construct conduits in and through said district, take up, maintain and repair the same, or may contract for the same to be done, in and through ways and highways public or private located in said district and through the land of any corporation, firm or individual, and under or along any water or water course including Wilson lake and the outlet thereof, and through or under the dam at the outlet of Wilson lake, the discharge therefrom to be at such point in Wilson stream below the dam at the outlet of Wilson lake as shall be most reasonable and convenient for said district; may convey through the same sewerage and surface water and secure and maintain basins, reservoirs and outlets; may build and maintain pumping stations and buildings convenient for same; may construct and maintain flush tanks, treatment tanks, manholes, lamp holes, and such usual appliances for collecting, holding, treating, distributing and disposing of sewerage matters; and in general to do any and all other things convenient and proper for the purposes of this act; provided however that the district shall not construct any system of drainage or sewer-

age without having first submitted its plans to the Public Utilities Commission and obtained its approval therefor under power vested in said commission by chapter 62, section 13 of the revised statutes.

Abutting owners have right to enter. Said district at all times after it shall commence receiving pay for the facilities supplied by it shall be bound to permit the owners of all premises abutting upon its lines of pipes and conduits to enter the same with all proper sewerage upon conformity to the rules and regulations of said district and payment of the prices and rentals established therefor.

Liability of district for damages. Said district shall be liable to any person injured by any fault of said district or its agents, or any defects in the highway occasioned by the construction of the works, i. e., sewer system, of said district during said construction or after the same has been completed or while the same shall be undergoing repairs or while extensions are being made; and said district shall also be liable to the town of Wilton for any and all costs, damages, and expenses which said town may suffer or be put to, by reason of the default, neglect or negligence or carelessness of said district or of any of its officers, servants or agents in creating, maintaining or repairing said sewer system.

R. S., c. 25, secs. 5 to 11 made applicable. Sections 5 to 11 inclusive of chapter 25 of the revised statutes shall apply to sewers and drains hereunder constructed by said district and the acceptance of this charter by the legal voters within the limits of said district as hereinafter provided, shall constitute an acceptance of said sections, as an acceptance is prescribed and contemplated by section 12 of chapter 25. In the application of said sections 5 to 11, the trustees of said district shall perform all acts and duties and shall be subject to all responsibilities of municipal officers as prescribed by said sections.

Trustees authorized to employ engineers and laborers and to make contracts. In prosecuting the work contemplated by this act, said trustees may engage the services of engineers and laborers; may purchase all necessary material and supplies, and construct said drains and sewers under their own supervision, or they may, if they deem it advantageous, contract with some responsible person, firm or corporation, for the construction of said drains and sewers.

Trustees not to be interested in contracts of district. And it is further provided that no person, while he is a trustee of said district, shall be interested, either directly or indirectly, in any contract or agreement for the construction of any sewer, drain or other structure, in said district, entered

into by said district. This provision, however, shall not prevent said district from entering upon, or taking land, or any easement therein, of any officer of said district, while he is such an officer, and awarding damages therefor, if, in the opinion of said trustees, such entering or taking is necessary for the purposes of said district.

Sec. 4. Authorized to issue notes and bonds; form of bond; district declared a quasi municipal corporation; bonds a legal investment for savings banks; temporary loans. To procure funds for carrying out this act and for such other expenses as are necessary for the carrying out of said purposes, said district by action of its trustees, when duly authorized by vote of the district, is hereby authorized and empowered to issue its notes and bonds in one series or in separate series from time to time to an amount not exceeding the sum of \$10,000. Said notes or bonds shall bear interest payable semi-annually at such rates as the trustees shall determine. Said notes or bonds shall be issued to mature serially or made to run for such periods as the trustees may determine. Said notes and bonds shall be legal obligation of said district which is hereby declared to be a quasi municipal corporation within the meaning of section 115, chapter 56, revised statutes 1930, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Such bonds and notes shall be a legal investment for savings banks and shall be tax exempt. The trustees may also borrow on the notes of the district such sums as may be necessary to meet the current expenses of the district in anticipation of the collection of rates.

Sec. 5. Sinking fund provided for. In case any of said bonds are made to run for a period of years a sinking fund shall be established by the trustees of the district for the purpose of redeeming such term bonds when they become due, and not less than 3% of the aggregate principal of the outstanding term bonds issued on account of or in behalf of said sewerage district shall be turned into said sinking fund each year to provide for final extinguishment of said district funded debt. The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purpose, and shall be invested in such securities as savings banks are allowed to hold.

Sec. 6. Rates payable; application of revenue. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by the board of trustees for the service used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current running expenses of the district including maintenance and provision for depreciation.
2. To provide for payment of interest on the indebtedness of the district.
3. To provide a sum each year for the payment of the funded indebtedness of the district. In case serial bonds or notes are issued the sum raised shall be used to pay and retire such bonds or notes as become due in the current year; and in case term bonds are issued the sum raised shall be put into the sinking fund provided in section 5.

Sec. 7. Authority for assessment of taxes. In case at any time the income of said district secured by rates as provided in section 6 is insufficient to meet all of the obligations set forth in this section, the whole or any part of this deficit may be raised by taxation, which tax shall be assessed and collected on the property within the district in the same manner as municipal taxes are assessed and collected.

Sec. 8. Trustees, election of, tenure of office, vacancies, first meeting and organization of board, annual report. All affairs of said district shall be managed by a board of 3 trustees, residents or owners of real estate therein, who shall be elected by ballot of the persons therein legally qualified to vote in town meetings. They shall hold office for the term of 3 years and until their respective successors are chosen and qualified, except however as hereinafter provided. Vacancies shall be filled for the unexpired term.

The 1st board of trustees shall be elected at the meeting called for the acceptance of this act, 1 to serve until the 1st annual meeting of the district, 1 until the 2nd, and 1 until the 3rd such meeting. Thereafterward, 1 member shall be chosen at each annual meeting to serve for a term of 3 years. If a vacancy occurs in said board more than 3 months before the date of the next succeeding annual meeting, a special meeting shall be called to fill the vacancy, and all vacancies existing at the date of an annual meeting shall then be filled.

As soon as convenient after said 1st election the trustees shall hold a meeting at some convenient place in the district to be called by any member thereof in writing designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal, and perform any other acts within the powers delegated to them by law. When necessary they may choose a

treasurer and collector and other needful officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such securities as they may approve. Members of the board shall be eligible to any office under the board. The trustees shall serve without compensation and shall have authority to determine the compensation of the other officers of said district.

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

Sec. 9. Annual meeting of district, qualification of voters of district. The annual meeting of the district shall be held in the district on the 3rd Monday in March, at such hour and place as may be designated by resolution of the board of trustees as provided in the by-laws. Notice thereof, signed by the chairman or clerk of the board, shall be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings shall be called by the board in like manner at any time, and notices of special meetings shall state the business to be transacted thereat. 15 persons qualified to vote in such meetings shall constitute a quorum. If for any reason an annual meeting is not held on the above date, a meeting in lieu thereof may be called in like manner to be held within 3 months from said date.

All persons resident in such district and qualified to vote in town meetings in the town of Wilton, and all owners of real property located in the district and also qualified to vote in town meetings in the town of Wilton shall be entitled to vote in any meeting of the district, including the meeting for the acceptance of this charter.

All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

Sec. 10. Trustees granted certain powers of selectmen. After the meeting for acceptance of this charter, the trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in said district, and for that purpose they shall be in session at the place designated for holding the meeting between the hours of 10 o'clock in the forenoon and 12 o'clock noon of the secular day next before the date of every meeting; and 2 hours next before the opening of the meeting, and notice thereof shall be given in the call of the meeting.

Sec. 11. May adopt by-laws. Said district at any legal meeting thereof may adopt a code of by-laws for the government of the same and for the efficient management of its business, provided same are not repugnant to the laws of the state.

Incidental powers granted. Said district is hereby vested with all incidental powers, rights and privileges necessary to the accomplishments of the main objects of this act.

Sec. 12. Local referendum provided for; procedure of election; form of question; certificate to secretary of state. This act shall take effect when approved by a majority vote of all voters within said district as defined under section 9 of this act, voting by ballot at an election to be specially called and held for the purpose after 90 days from the date of final adjournment of this session of the legislature. The board of selectmen of the town of Wilton shall call said election upon a date not less than 90 days nor more than 120 days from the date of the final adjournment of this session of the legislature. Said board of selectmen shall make and provide a separate check list for such of the voters within said district as are then legal voters therein or owners of real property therein and voters in the town of Wilton, and all warrants issued to said district shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such election shall be called, advertised and conducted according to the law relating to municipal elections, providing, however, that the selectmen shall not be required to prepare or the town clerk to post a new check list of voters, and for this purpose said board shall be in session the 2 secular days next preceding such election, the 1st day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to close up and complete the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Wilson Lake Sewer District be accepted?" and the voters shall indicate by depositing a ballot in the ballot box with the word "yes" or "no" on the same, their opinion of the same. The result shall be declared in open meeting and due certificate thereof filed by the town clerk with the secretary of state. If the majority of the votes cast shall be in the affirmative, said voters shall then proceed with written ballot to elect a board of trustees of said district as provided in section 8 of this act. 15 qualified voters of said district shall constitute a quorum for the purposes of this election, but a less number may adjourn from time to time not exceeding 7 days at 1 time.