

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Legislative Document

No. 1239

H. P. 1586

House of Representatives, March 5, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Lessard of Skowhegan by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT to Enable a Municipal Corporation to Organize and Conduct a
Water District and/or a Sewerage District.**

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

R. S., c. 80, §§ 89-A - 89-N, additional. Chapter 80 of the revised statutes is hereby amended by adding thereto 14 new sections to be numbered 89-A to 89-N, to read as follows:

Sec. 89-A. Definition. The phrase "sewerage district" shall include, for the purposes of sections 89-A to 89-N, inclusive, such plant, equipment, system and facilities as are needful for and appurtenant to the collection and disposal by approved sanitary methods of domestic sewerage and industrial wastes.

The phrase "water district" shall include, for the purposes of sections 89-A to 89-N, inclusive, such plant equipment, distribution system, facilities and sources of supply as are needful for the furnishing of pure water for domestic, municipal, sanitary, commercial and industrial purposes.

Sec. 89-B. Sewerage and/or water system, construction. A district is hereby authorized and empowered to construct, maintain, operate, and re-

pair a sewerage system and/or water supply system, to take, purchase, and acquire, in the manner hereinafter mentioned, real estate and easements necessary for its purposes, together with such land surrounding and adjacent to the same as may be reasonably necessary for the purposes hereof; and to enter in and upon any land for the purpose of making surveys, may lay water pipes and may lay pipes and sewers and connect the same as may be necessary to convey sewerage and for the purpose of disposing of sewerage by such district and/or for the supply of water for domestic, municipal, commercial, sanitary and industrial purposes. No sewerage system and/or water system shall be constructed until plans for the same have been approved by the public utilities commission.

Sec. 89-C. Entry on lands. Such district for the purposes enumerated in the foregoing section may enter upon and use any land and enclosures over or through which it may be necessary for water pipes and sewers to pass, and may thereon at any time place, lay and construct such water pipes and sewers, appurtenances and connections as may be necessary for the complete construction and repairing of the same from time to time, may open the ground in any streets, lanes, avenues, highways and public grounds for the purposes hereof; provided that such streets, lanes, avenues, highways and public grounds shall not be injured, but shall be left in as good condition as before the laying of such water pipes and sewers.

Sec. 89-D. Compensation, condemnation. Such district may agree with the owner or owners of any property, franchise, easement, existing utility or right which may be required by such district for the purposes of sections 89-A to 89-N, inclusive, as to the compensation to be paid therefor. In case of failure to agree as to such compensation, or in case such owner is an infant, insane, absent from the state, unknown, or the owner of a contingent or uncertain interest, a superior court or any justice thereof in vacation may on the application of either party cause such notice to be given of such application as he may prescribe, and after proof thereof, may appoint 3 disinterested persons to examine such property to be taken, or damaged by such district; such commissioners after being duly sworn, shall, upon due notice to all parties in interest, view the premises, hear the parties in respect to such property, and shall assess and award to such owners and persons so interested just damages for any injury sustained as aforesaid and make report in writing to such court or justice. The court or justice may thereupon accept such report, unless just cause is shown to the contrary, and order such district to pay the same in such time and manner as such court or justice may prescribe, in full compensation for the property taken, or the injury done by such district, or said court or justice

may reject or recommit said report if the ends of justice so require. On compliance with such order such district may proceed with the construction of its work without liability for further claim for damages. Such court or justice may award costs in such proceeding in his discretion.

Sec. 89-E. Record. Such district shall within 60 days after the taking of any property, utility, franchise, easement or right under the provisions of sections 89-A to 89-N, inclusive, file in the office of the clerk of the district where the same is situated, a description thereof.

Sec. 89-F. Contract for water service and/or sewage disposal. The district may contract with the state, the federal government or any appropriate agency thereof, any town, city or village, any corporation and individuals to make disposal of sewage for such other town, city, village, corporation or individuals. The district may make sale of sludge or fertilizer by-products incident to sewage disposal, and the proceeds from sale thereof shall be turned over to the treasury of such sewage district and credited therein as is other income derived under the authority of sections 89-A to 89-N, inclusive.

The district may contract with the state, the federal government or any appropriate agency thereof, any town, city or village, any corporation and individuals to furnish a supply of suitable water as required.

Sec. 89-G. Charges, lien. The owner of any tenement, house or building, the sewage from which is discharged into the public sewer, shall be liable for the sewer service rent and/or water rates as hereinafter defined. The charges, rates or rents for services shall be a lien upon the real estate furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under section 3 of chapter 81.

Sec. 89-H. Taxes, bonds. For the purpose of successfully organizing, establishing and operating its sewerage district and/or water district, and making such improvements as may be necessary, said district is authorized and empowered to purchase, take and hold real and personal estate; levy and collect such taxes upon the ratable estate of the district as is necessary for the payment of district water and/or sewerage district expenses and indebtedness; issue its negotiable bonds for the purposes of carrying out the provisions of sections 89-A to 89-N, inclusive. Said notes and bonds shall be legal obligations of said district and not of the body politic. The said notes and bonds shall be legal investments for savings banks and exempt from taxation. The district may borrow such money from time to time, as may be necessary to enable the said district to carry

on the work of adequately making disposal of the sewage or supplying of water within said district, which said loans shall be an obligation of the said district.

Sec. 89-I. Organization of district. The organization of such district under the provisions of sections 89-A to 89-N, inclusive, shall be by a vote of the majority of the legal voters of the town, city, village corporation, or political subdivision voting at a meeting called in the form prescribed by law for the election of officers and the transaction of business of said town, city, village corporation or political subdivision.

Articles of incorporation for a water and/or sewer district may be issued by the secretary of state, subject to the approval of the public utilities commission, under the provisions of the revised statutes pertaining to corporations, upon application and submission of proof that said district has been accepted in referendum in accordance with the provisions of this section.

Sec. 89-J. Board of commissioners. The selectmen of a town, the trustees of a village, the mayor and board of aldermen of a city, or a special commission of not less than 3 members appointed by the municipal officers, shall constitute a board of water and/or sewerage district commissioners.

Sec. 89-K. Rates; applications of revenue; sinking fund. All individuals, firms and corporations, whether private, public, or municipal, shall pay to the treasurer of said district the rates established by the board of commissioners for the services used or available to them. The sewer rates may include rates for the district's readiness to serve charged against owners, or persons in possession, or against whom the taxes are assessed, of all buildings intended for human habitation, or occupancy, whether the same are occupied or not, which abut on a street, or location, through which said district has constructed a sewer line, or the property line of which is within 100 feet of a sewer line constructed by said district, although said premises are not actually connected thereunto. Rates shall be uniform within the district, and the rates, rules and regulations of the district shall be subject to the approval of the public utilities commission. The water and sewer rates shall be so established as to provide revenue for the following purposes:

- I. To pay the current expenses for operating and maintaining the water and/or sewage system.
- II. To provide for the payment of the interest on the indebtedness created by the district.

III. To provide each year a sum equal to not less than $\frac{1}{2}$ of 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

IV. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 89-L. Duties, use of proceeds. Such sewerage and/or water district commissioners shall have the supervision of said district and shall make and establish all needful rates for rent, rules and regulations for its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure.

Sec. 89-M. Ordinances. Such district shall have the power to make, establish, alter, amend or repeal ordinances, regulations and by-laws relating to the matters contained in sections 89-A to 89-N, inclusive, and not inconsistent with law, and to impose penalties for the breach thereof, and enforce the same.

Sec. 89-N. Meetings, vote. Any action taken by such districts under the provisions of sections 89-A to 89-N, inclusive, or relating to the matters therein set forth, shall be by vote of the majority of the legal voters of such district, attending a meeting duly warned and holden, unless otherwise provided.'