

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1612**

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House of Representatives, May 4, 1949  
Filed for printing or reproduction by Mr. Gastonguay of Waterville.  
HARVEY R. PEASE, Clerk

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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House Amendment "A" to S. P. 584, L. D. 1258, Bill "An Act to Create the  
Waterville Sewerage District."

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Amend said Bill by striking out all of the 1st sentence of section 2 thereof and inserting in place thereof the following:

'Upon acceptance of this act as hereinafter provided, title to all public drains and sewers in the city of Waterville shall pass to and vest in said district, and said district shall maintain and operate same. For the purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of said district, the said district is hereby authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid.'

Further amend said Bill by inserting before the last sentence of the 1st paragraph of section 4 thereof the following sentence:

'The commissioners of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the city of Waterville.'

Further amend said Bill by striking out all of the last sentence of section 5.

Further amend said Bill by adding after section 5 thereof, the following new sections:

**Sec. 5-A. Excavations and repair work, property to be left in good condition; liability for damages; closing of streets.** Whenever said district shall enter, dig up or excavate any street, way or highway, or other land, within said district, for the purpose of laying pipes or conduits, constructing manholes or catch-basins, or for the purpose of taking up, repairing, extending or maintaining any sewer, drain, manhole, catch-basin or other structure, or for any other purpose, said street, highway, way or other land shall, at the completion of the work of said district, be returned to the condition said street, way, highway or other land was in prior to the work of said district, or to a condition equally as good, and said district shall be liable to any person, firm or corporation injured or damaged by any fault of said district or its servants or agents, or by reason of any defect in any way, street or highway occasioned by the construction of any of the works of said district, either during such construction or after the same has been completed, or while the same shall be undergoing repairs or extensions are being made; and said district shall be liable to the city of Waterville for any and all costs, damages and expenses which said city may suffer, or be put to, by reason of the default, neglect, negligence or carelessness of said district or any of its officers, servants or agents, in creating, maintaining, repairing or extending said sewerage system.

Where the character of the work of said district is such as to endanger travel on any street or way, said city of Waterville shall direct the temporary closing of such streets or ways, and of intersecting streets or ways, upon request of said district, and such streets or ways shall remain closed to public traffic until the work of said district is completed, and the surfaces of said streets or ways are restored to a proper condition, as hereinbefore set forth.

**Sec .5-B. Extensions.** The district shall have the right to determine whether extensions to its system shall be made, subject to the authority of local and state health officials, the sanitary water board and the public utilities commission. It shall have the power to make assessments for the cost of such extensions and charges for the use thereof.'

Further amend said Bill by inserting after the 7th sentence of section 7 thereof, the following sentence:

'In prosecuting the work contemplated by this act, said commissioners 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, but said district shall in no case be released from liability, by reason of having contracted with any person, firm or corporation, as provided above for the construction of any sewer, drain or other structure'.

Further amend said Bill by inserting after the 9th sentence of section 7 thereof, the following sentences:

'It is further provided that no person, while he is a commissioner 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 commissioners, such entering or taking is necessary for the purposes of said district.'

Further amend said Bill by striking out all of the last paragraph of section 8 thereof and inserting in place thereof the following paragraph:

'All bonds issued by said district may be issued with or without provisions for calling the same for payment before maturity, and in case of such call provisions, the premium, if there be one, shall not exceed 5% of the principal upon such call.'

Further amend said Bill by striking out all of the 1st sentence of section 10 thereof and inserting in place thereof the following:

'All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates and assessments established by said commissioners to pay for the cost of the works and for the service used by them; and said rates shall not be discriminatory within the territory supplied by the district, and shall be subject to the approval of the public utilities commission.'

Further amend said Bill by striking out all of the 1st sentence of that part designated "III" of section 10 and inserting in place thereof the following sentence:

'To provide each year a sum equal to not less than 1% of the entire indebtedness created or assumed by the district, which sum shall be turned into the sinking fund to provide for the extinguishment of said indebtedness.'

Further amend said Bill by striking out all of section 11 thereof.

Further amend said Bill by renumbering "**Sec. 12**" to be '**Sec. 11**.'