

MAINE STATE LEGISLATURE

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

Legislative Document

No. 766

H. P. 1208

House of Representatives, February 16, 1951.

Referred to the Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. DeBeck of Holden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Create the Veazie Sewer District.

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

Sec. 1. Incorporation. The territory of the town of Veazie and the inhabitants within the same, excepting the area in the most northwesterly corner of the town which is bounded by the Veazie-Bangor town line, the southeasterly line of Stillwater Avenue, the Veazie-Orono town line and a line extending from the intersection of the northeasterly line of Chase road, so-called, with said Veazie-Bangor town line to said Veazie-Orono town line, and being parallel with said southeasterly line of said Stillwater Avenue, shall constitute a body politic and corporate under the name of the "Veazie Sewer District." The purpose of said district shall be to take over, control, manage and operate the sewers now owned by the town of Veazie with all appurtenances thereto; to extend, increase, enlarge and improve said drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of the town not now served with such facilities; to provide for surface drainage as well as removal of sewage; to discharge sewage and surface drainage into the Penobscot river at points most reasonable and convenient for said district; to provide for treatment of sewage in whole or in part before discharging it into said river when, as

and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage and storm water drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 2. Authority to acquire and hold property; right of eminent domain conferred. Upon acceptance of this act as hereinafter provided, title to all public drains and sewers in the town of Veazie 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, subject to all duties and obligations of the town of Veazie with respect thereto, which duties and obligations are to be assumed by said district. The district is hereby authorized to take and hold by purchase, lease or the exercise of the right of eminent domain, as hereinafter provided, or otherwise, any land or real estate or easement therein necessary for forming basins, reservoirs and outlets; for erection of buildings for pumping works and sewage treatment and for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewage matter and rain water and for other objects necessary, convenient and proper for the purpose of this act, and all of such property, wherever located, shall be exempt from taxation.

Provided, however, nothing herein contained shall be construed as authorizing said sewer district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the legislature.

Sec. 3. Procedure in exercise of right of eminent domain. The trustees hereinafter provided for said district may exercise the right of eminent domain vested in said district for the purposes of this act after hearing, notice of the time and place of the said hearing having been given by publication in any daily newspaper published in Penobscot county once a week for 2 weeks previous to the time appointed for said hearing; and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor. Upon the signing of said record of said trustees and the filing of the same in the registry of deeds for the county of Penobscot, said trustees may enter upon such land and take possession of the same or an easement

therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said trustees, as it relates to the damages for land or easements therein so taken, shall have the same rights of appeal as are provided in the case of the laying out of towns ways.

Sec. 4. Right to lay pipes and other particular rights enumerated. Said district may lay pipes and construct conduits in manner aforesaid in and through said district and convey through the same sewage, surface water and the natural flowage of existing water courses, and secure and maintain basins, reservoirs and outlets; may build and maintain pumping stations and buildings convenient for same; may construct and maintain treatment plants, flush tanks, manholes, storm water inlets and such usual appliances for collecting, holding, distributing and disposing of sewage and storm water; may supply water for such flush tanks and for flushing said system of sewers and for any other purposes for which said district may deem the same desirable, and install all pipes and necessary structures and appliances to this end; may establish through and by its trustees regulations for the use of sewers and fix and collect the prices to be paid for entering same, and also the service charges for the use thereof; may enter into contract with persons, corporations or municipalities outside the boundaries of the district to care for sewage or drainage through the district's system; and said district is hereby authorized, for the purposes aforesaid, to lay down, in and through the streets, highways and land of said district, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary or desirable for the objects of its incorporation; to carry and lay conduits and pipes under any water course, way, public or private, or railroad, in the manner prescribed herein and to cross any water pipe, gas pipe, electric conduit, drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct its use 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 town of Veazie, public utilities and private persons for any and all costs, damages and expenses which each 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. The trustees of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the town of Veazie. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such dis-

trict, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

Sec. 5. Rights of abutters to enter the sewer. The district at all times 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 the district and payment of the rates and assessments established therefor.

Sec. 6. Offenses and penalties. Any person who shall place or leave any offensive or injurious matter or material on or in the conduits, catch-basins or receptacles of the district contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch-basin, manhole, outlet, engine, pump or other property held, owned or used by the district for the purposes of this act, shall pay twice the amount of the damages to the district to be recovered in any proper action; and such person, on conviction of either of the acts of wilful injury aforesaid, shall be punished by a fine not exceeding \$200 and by imprisonment not exceeding 1 year.

Sec. 7. Trustees; how elected, tenure of office; organization of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act as hereinafter provided, the municipal officers of the town of Veazie shall appoint 3 trustees of said district, to hold office as follows respectively: 1 until 2 days after the annual town meeting in 1952, 1 until 2 days after the annual town meeting in 1953 and 1 until 2 days after the annual town meeting in 1954. At each annual meeting of the district, 1 trustee shall be elected by the inhabitants of the district then and there present and voting, for a term of 3 years as successor to the trustee whose term expires that year. All trustees shall serve until their successors are appointed and qualified. No trustee shall be a member of the board of selectmen of said town of Veazie. When any trustee ceases to be a resident of said district he vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the town of Veazie in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The 1st meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original

meeting, they shall elect from their membership a chairman, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. Within 2 weeks after each annual meeting of the district, the trustees shall meet for the purpose of electing a chairman, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

The trustees shall serve without compensation, except that the treasurer may receive for his services an amount to be fixed by the board of trustees not in excess of \$100 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond shall remain in the custody of the chairman. The treasurer's salary, bond premium and all expenses of the district shall be paid from funds of the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the town of Veazie), the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trusts. Such report shall be made and filed with the municipal officers of the town of Veazie on or before March 1 of each year.

Sec. 8. How financed. To procure funds for the purposes of this act, and for such other expenses as may be necessary to carry out said purposes, the said district, by its trustees, is hereby authorized from time to time to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$75,000 at any one time outstanding. Each bond and note shall have inscribed upon its face the words "Town of Veazie Sewer District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 30 years from the date of original issue thereof. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon

shall be attested by the facsimile signatures of the chairman and treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof or any corporation or board authorized by the state or federal government to loan money or otherwise assist in the financing of such projects as this sewer district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.

Sec. 9. Sinking fund; refunding bonds provided for. In case any bonds or notes at any time issued are made to run for a period of years (as distinguished from serial maturity), the trustees shall establish a sinking fund for such bonds or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall be not less than $3\frac{1}{3}\%$ of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any savings bank within the state or may be invested in whole or in part in any bonds of the United States, of the state of Maine, or of any political subdivision thereof, as the trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased, or redeemed, and canceled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds or notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue

new bonds or notes in their stead, authority is hereby granted to said district to issue new bonds or notes sufficient in amount to pay or redeem so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 30 years from the original date of issue of the original bonds or notes so refunded.

Sec. 10. Revised statutes of 1944 made applicable; trustees and other officers to have same powers as municipal officers; other powers of trustees. In respect to the manner of constructing drains and sewers in said district, the assessment of abutting owners for the cost of the same and the collection of said assessments, the issuing of permits and in respect to all other matters covered by the sections herein referred to, the trustees of said district shall be governed by the provisions of sections 136 and 137 of chapter 84 of the revised statutes of 1944 and all acts amendatory thereof, and the district is hereby granted the same power and authority in said premises as have the municipal officers of cities and towns in like cases, and the words "town clerk" in said sections shall be construed to mean the clerk of said district, and the inhabitants of said district shall have the same rights and privileges and be subject to the same regulations and restrictions, as are now granted to and imposed upon individuals under said sections. In the application of said sections 136 and 137, the trustees of the said district shall perform all the acts and duties and be subject to all responsibilities of municipal officers, as is provided by said sections. Said trustees shall have the power to determine when and where in said district sewerage facilities are most needed, and how said sewers shall be built; where, when and what repairs, renewals and extensions are necessary, and how the same shall be built, and their decision in such matters, except as is otherwise provided in the sections above referred to, shall be final. It is provided, however, that the municipal officers of said town may make written recommendation to the trustees of said district regarding sewerage necessities in said district.

Sec. 11. Assessment of taxes authorized to meet indebtedness; how collected; procedure. The trustees of the "Town of Veazie Sewer District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district after the application of all funds received from assessments as provided for in section 10 above, and shall

each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the town of Veazie, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said town of Veazie, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of said town shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurer of the town to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or any of his deputies shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

Sec. 12. Annual meeting, day after 3rd Monday in March; qualification of voters of district. The annual meeting of the district shall be held in the district on the day after the 3rd Monday of March in each year, 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 may be called by the board in like manner at any time, and notice of special meetings shall state the business to be transacted thereat. Eleven 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 said district and qualified to vote for governor under the laws of this state shall be entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

Sec. 13. 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 office of the said sewer district 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 for the meeting. 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. 14. Existing statutes not affected; rights conferred subject to provisions of law. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944 and all acts amendatory thereof or additional thereto.

Sec. 15. Referendum; procedure of election; form of question; certificate to secretary of state. This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters within said district, voting by ballot at an election to be specially called and held for the purpose within 60 days of the effective date of this act.

The board of selectmen of the town of Veazie shall call said election, to be held upon a date to be specified in writing by them. 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, 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 nor 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 complete and close up the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Veazie 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. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast

for and against the acceptance of this act equals or exceeds 20% of the total number of votes cast for all candidates for governor in said district at the next preceding gubernatorial election. The result shall be declared in open meeting and due certificate thereof filed by the town clerk with the secretary of state. Twenty per cent of the 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 one time.