

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1302**

H. P. 1111

House of Representatives, March 15, 1955

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

HARVEY R. PEASE, Clerk

Presented by Mr. Martin of Eagle Lake.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Creating the Eagle Lake Water and Sewer District.**

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

**Sec. 1. Territorial limits and corporate name and purposes.** The inhabitants and territory within the town of Eagle Lake in the county Aroostook shall be, and hereby are, constituted a body politic and corporate under the name of the Eagle Lake Water and Sewer District for the purpose of supplying the town of Eagle Lake and the inhabitants of said town or any part of said town with pure water for domestic, commercial, sanitary and municipal purposes, including the extinguishment of fires, and of supplying the town of Eagle Lake and the inhabitants of said town or any part of said town with suitable and adequate sewerage facilities.

**Sec. 2. Powers of said Eagle Lake Water and Sewer District.** Said Eagle Lake Water and Sewer District is hereby authorized for the purposes aforesaid to take, collect, store, flow, use, detain, distribute and convey to the town of Eagle Lake or any part thereof water from any lake, pond or stream and from any surface or underground brook, spring or vein of water in said town of Eagle Lake, and is also authorized to locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and to do any and all things necessary in providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

**Sec. 3. Right of eminent domain conferred.** The said district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public

uses, by purchase, eminent domain or otherwise, and land or interests therein, or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures, for taking, distributing, discharging and disposing of water and right-of-ways or roadways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts, structures and lands. The said district may, for the purposes outlined in this section, do any and all things necessary in providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

**Sec. 4. Authorized to lay mains, pipes, conduits, etc., through public ways and across private lands.** The said district is hereby authorized to lay in and through the streets, roads, ways and highways of the town of Eagle Lake and across private lands therein, and to maintain, repair and replace all such pipes, mains, conduits, aqueducts and fixtures as may be necessary and convenient for its corporate purposes and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

**Sec. 5. Procedure as to the exercise of right of eminent domain.** In exercising any rights of eminent domain that are herein conferred upon said district, the district shall file for record in the registry of deeds in said county plans of the location of lands or interest therein to be taken with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective or uncertain, it may, at any time correct and perfect such location and file a new description thereof and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands except to make surveys until the expiration of 10 days from such filing whereon possession may be had of all such lands or interest therein so taken, but title thereto shall not vest in said district until paid for.

**Sec. 6. Adjustment of damages.** If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Aroostook county, may have said damages assessed by them; the procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

**Sec. 7. Procedure if public utility must be crossed.** In case of 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 district, 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. 8. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investments for savings banks.** For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money temporarily, and to issue therefor the interest bearing negotiable notes of the district, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and sewerage and drainage system and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding \$150,000. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 136 of chapter 53 of the revised statutes of 1954, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be exempt from taxation, and shall be a legal investment for savings banks.

**Sec. 9. Board of trustees.** All the affairs of said district shall be managed by a board of trustees composed of 3 members, to be appointed by the municipal officers of Eagle Lake within 30 days after the acceptance of this act by the inhabitants of said district as hereinafter provided, but none of the selectmen of said town shall be appointed to the board of trustees. As soon as convenient after the members of said board have been appointed, said trustees shall hold a meeting in the town of Eagle Lake, and organize by the election of a president and clerk, adopt a corporate seal, and choose a treasurer and, when necessary, all other needful officers and agents who, with the treasurer, shall serve at their pleasure and whose compensation shall be fixed by said trustees. Whenever a vacancy occurs in the office of president, clerk or treasurer it shall be promptly filled by said board of trustees. At the said 1st meeting they may determine by agreement, or failing to agree they shall determine by lot, the term of office of each trustee so that one shall retire each year and the term of office of the 1st trustee to expire shall end at the end of the municipal year of the town of Eagle Lake following the acceptance of this act, and thereafter the term of office of a trustee shall expire with the end of each municipal year, and whenever the term of office of a trustee expires, the body which appointed said trustee shall appoint a successor to serve the full term of 3 years, and in case any other vacancy arises from any cause it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said town of Eagle Lake, he vacates the office of trustee. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. Said trustees may procure an office and incur such expense as may be necessary. The treasurer shall furnish bond in such sum and with such sureties as they may approve. Members of the board shall be eligible to any office under the board.

**Sec. 10. Property, tax exempt.** The property of said district shall be exempt from all taxation in the town of Eagle Lake.

**Sec. 11. Execution of instruments.** Any and all instruments to be executed by the district may, upon authorization by the board of trustees, be executed in its behalf by its president and treasurer who may impress its corporate seal and make any necessary acknowledgment thereof, except that upon interest coupons attached to any bonds to be issued the facsimile signature of the treasurer shall be sufficient.

**Sec. 12. Water rates; application 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 said board of trustees for the service used by them, and said rates shall be uniform within the territory supplied by the district and subject to approval of the Public Utilities Commission. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the water and sewer system.
2. To provide for the payment of the interest on the indebtedness created by the district.
3. To provide each year a sum equal to not less than 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. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.
4. If any surplus remains at the end of the year, it may be turned into the sinking fund.

**Sec. 13. Incidental powers granted.** All incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to the corporation hereby created.

**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 44 of the revised statutes of 1954, and all acts amendatory thereof or additional thereto.

**Referendum; meeting, how called; effective date; certificate to Secretary of State.** This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of said proposed district, voting by ballot at an election specially called and held for the purpose not later than November 1, 1955. The board of selectmen of the town

of Eagle Lake shall call said election to be held upon a date to be specified in writing by them. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Eagle Lake shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters said board shall be in session the 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question:

“Shall ‘An Act Creating the Eagle Lake Water and Sewer District,’ passed by the 97th Legislature, be accepted?” and the voters shall indicate by a cross or check mark placed against the words “Yes” or “No” 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 the total number of votes cast for and against the acceptance of this act equaled or exceeded 20% of the total number of votes cast for all candidates for Governor in said town at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the town of Eagle Lake and due certificate thereof filed by the town clerk with the Secretary of State.