

# MAINE STATE LEGISLATURE

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# Acts and Resolves

As Passed by the

## Seventy-Eighth Legislature

OF THE

# STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the  
Seventy-Seventh Legislature held in 1916.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth  
Legislature

1917

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eighteen hundred and fifty-eight; chapter five hundred and fifty-four of the private and special laws approved on the twenty-fourth day of February, eighteen hundred and seventy-four; chapter three hundred and eighty-three of the private and special laws approved on the seventh day of February, eighteen hundred and seventy-seven; chapter sixty-one of the private and special laws approved on the twenty-fourth day of February, eighteen hundred and eighty-one; chapter thirty of the private and special laws approved on the twelfth day of February, eighteen hundred and ninety-five; chapter three hundred and forty-eight of the private and special laws approved on the thirty-first day of March, nineteen hundred and seven; chapter three hundred and one of the private and special laws approved on the twenty-fourth day of March, nineteen hundred and nine; chapter one hundred and eighty-four of the private and special laws approved on the first day of April, nineteen hundred and fifteen; and an act to authorize the board of harbor commissioners of the city of Portland to alter and modify the harbor line, approved September thirtieth, nineteen hundred and sixteen, relating to the harbors of Portland and South Portland, and the boards of commissioners for said harbors, are hereby repealed; and all acts amendatory of, or additional to, the aforesaid acts; and all acts or parts of acts, inconsistent with the provisions of this act, so far as they apply to the harbors of Portland and South Portland, are hereby repealed.

Approved April 7, 1917.

## Chapter 193.

An Act to Create the Auburn Sewerage District and Transferring to it the Sewer System of the City of Auburn.

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

**Sec. 1. Auburn Sewerage District created; affairs managed by board of six trustees; choice, tenure, organization, qualification; ex-officio members.** The territory and people constituting the city of Auburn shall constitute a body politic and corporate under the name of the Auburn Sewerage District for the purpose of maintaining and extending the sewer system in said district in accordance with the subsequent provisions of this act. Said district shall have a common seal and power to sue and be sued. The affairs of said sewerage district shall be managed by a board of six trustees, which in the first instance shall be the present members of the Auburn Water Commissioners. The trustees of the Auburn Sewerage District hereby created shall each hold office according to the respective terms of office which they now hold as members of the Auburn Water Commissioners, and upon the expiration of said terms of office one trustee shall thereafterwards be elected annually in the month of March by the city council of Auburn to serve for a term of six years. The city council may at any time fill any vacancy in said trustees caused by death, resignation or otherwise, or in the first instance by the refusal to act of any member or members of the Auburn Water Commissioners above denominated; in such case, however,

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the trustee so appointed shall hold office for the unexpired term of the member whose office is made or left vacant. The mayor of the city for the time being shall be ex-officio a trustee of the Auburn Sewerage District. The city treasurer of the city of Auburn for the time being shall be treasurer ex-officio of said sewerage district, and shall keep the accounts of the money received and disbursed by him as treasurer of the city separate and distinct from those of the money received and disbursed by him as treasurer of said sewerage district. Said trustees shall organize by electing one of their number president and by electing a clerk, whose compensation they shall fix, at a meeting to be held as soon as may be after this act shall become a law and annually in the month of March after the appointment by the city council of one member as herein provided.

Trustees of the Auburn Sewerage District shall qualify for office by taking oath for the faithful discharge of their duties before a justice of the peace, who shall make a record thereof, to be preserved in the records of the sewerage district.

**Sec. 2. District to assume rights and powers conferred upon city of Auburn and municipal officers.** All powers and duties which may be exercised with respect to the sewer system conferred upon the city of Auburn, or upon the municipal officers of the city of Auburn by the general laws of the state, except as hereinafter excepted, shall be vested in the Auburn Sewerage District, and the words "town clerk" in said act shall be construed to mean the clerk of said sewerage district. No contracts, rights, liabilities, takings, assessments, suits, or other matters now existing or pending shall be affected by this act, but said sewerage district shall in all respects and for all purposes become the successors of the city of Auburn and the municipal officers of the city of Auburn in all matters covered by this act.

**Sec. 3. Transfer of sewer system authorized; consideration; term "sewer system" defined.** The Auburn Sewerage District is hereby authorized and empowered to acquire, and the city of Auburn is hereby authorized and empowered to transfer and convey to said sewerage district, the entire sewer system of said city of Auburn, including all pipe, conduits, fixtures and rights of way therefor, excepting the street catch basins and their connections with the sewer mains; the consideration for said transfer being that said sewerage district upon said transfer shall become obligated to pay the sewer loan of the city of Auburn, due January second, nineteen hundred twenty-one, of twenty-four thousand dollars, when said loan shall become due and payable.

The words "sewer system" as used in this section shall be construed to mean the sewer system owned by the city of Auburn, whether for the disposal of the sewage of buildings or for drainage, public or private, together with all its rights and appurtenances.

**Sec. 4. Bond issue authorized.** The Auburn Sewerage District is hereby authorized under the permission and direction of the public utilities commission, to issue bonds to provide for such improvements and extensions of the system as may be deemed necessary by said sewerage district.

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Said bonds shall be a legal obligation of said sewerage district, and on all property therein, which is hereby declared to be a quasi municipal corporation within the meaning of the statutes of this state. Bonds so issued shall not impair any liens outstanding, if any, covering said sewer system.

From the proceeds of the bonds issued as above the Auburn Sewerage District shall set aside an amount which with accumulations shall be sufficient to retire the sewer loan of the city of Auburn, due January second, nineteen hundred twenty-one, of twenty-four thousand dollars, and said fund shall be used for the payment of said loan and for no other purpose. Said fund shall be invested subject to the same conditions as hereinafter specified for the sinking fund.

**Sec. 5. Default of payment of bond, procedure.** In case of default in the payment of any of said bonds or the coupons attached thereto, when due, any holder thereof may petition the supreme judicial court for the county of Androscoggin by bill in equity, for the benefit of himself as well as for the benefit of all other holders of said bonds, and said court may enforce said lien, by appointment of receiver and by sale of said property, according to the usual practice in equity proceedings.

**Sec. 6. Sinking fund for redemption of bonds.** The Auburn Sewerage District shall create a sinking fund for the retirement of its bonded indebtedness by setting aside annually from its income a sum equal to at least one per cent of its total bonded indebtedness. Said sinking fund shall be invested in such securities as savings banks of this state are authorized to invest in, and shall be held, together with its accumulations, for the sole purpose of redeeming and paying the principal of said bonds.

**Sec. 7. Bonds may be purchased by savings banks.** Bonds issued under the provisions of this act may be purchased and held by savings banks in this state.

**Sec. 8. Special sewer tax authorized; how levied and how collected.** The Auburn Sewerage District is hereby authorized to levy a special sewer tax on the valuation of all property receiving service from its sewer system and upon property against which an assessment for sewer construction has been made. Said special tax shall be based upon the valuation given the property upon which such tax is authorized, by the board of assessors of the city of Auburn, and shall not exceed one and one-half mills on each dollar of valuation for any one year. The amount of such tax shall be sufficient to provide said sewerage district with the income necessary, over and above that provided by section nine, to meet its estimated expenditures of the ensuing year for operating expenses, interest on bonds or other loans, sinking fund, maintenance and such extensions as it shall not seem expedient to provide for by issuing bonds as herein provided; subject, however, to said maximum tax. Said special tax shall be levied annually in the month of April. The clerk of said district shall be the collector of said special tax and may enforce the same in the same manner as provided by law for the enforcement of a special tax levied by any municipal corporation.

**Sec. 9. City of Auburn may be assessed for use of system for highway drains.** The Auburn Sewerage District is hereby authorized to assess

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the city of Auburn for the use of said sewer system as public drains for highways a sum not to exceed five thousand dollars annually, and the said city of Auburn shall pay said assessment for the use of said sewer system.

**Sec. 10. Assessment of abutters.** So much of the general laws of the state relating to the construction of drains and common sewers as authorize the assessment against lots benefited thereby of an amount not to exceed one-half of the cost of said drain or sewer shall not apply to assessments made under this act. In lieu thereof the owners of estates benefited and abutting on streets or way, public or private, in which sewers shall hereafter be laid under the provisions of this act shall pay to said sewerage district toward defraying the cost of such sewers, systems of sewerage and sewage disposal an assessment or charge as follows: Fifteen cents a linear foot of frontage of such estates on any street or way where a sewer is constructed, and five mills a square foot computed upon the area of such estates within a fixed depth of one hundred and fifty feet from such street or way; provided, however, that in no case shall an assessment be made that shall exceed the special benefit to the estate assessed; also, that no assessment shall be made upon any estate which, by reason of its grade or level, or for any other cause, cannot be drained into such sewer, until such incapacity is removed; and provided, also, that when such estates abut upon more than one such street or way, such linear assessment shall be made upon the whole of the largest frontage, and seventy-five feet of the frontage upon such other street or way shall be exempt from such assessment, but all length in excess of said seventy-five feet upon such other street or way shall be subject to said assessment. The remainder of the cost of said system or systems shall be borne by said sewerage district. No particular or other sewer from any estate or part of an estate not already assessed or liable to assessment or charge as provided above, shall be entered into a common sewer, except upon the payment of such an assessment or charge, and upon such other terms and conditions as the sewerage district shall fix and determine.

**Sec. 11. Collection of abutters' assessment.** Upon the completion of a sewer in any street or way, public or private, included within any system now constructed or hereafter to be constructed, and when the same is ready for use, the sewerage district may file a certificate with its clerk designating the street or way, or part thereof, in which the sewer has been completed, and setting forth the names of the owners of the estate abutting and benefiting and the amount of assessment or charge to be paid by each, and referring to the plan on file in the office of said district, which plan shall show frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting and benefited on said street or way; and the clerk shall forthwith, upon the receipt of such certificate, make a demand in writing for the payment of said assessment or charges, and every such owner shall within three months after such demand is served on him, or on the occupant of his estate, or sent by mail to the last address of said owner known to the clerk, pay the sum so assessed or charged, to the clerk.

**Sec. 12. District authorized to construct and maintain system for disposition of sewage.** The Auburn Sewerage District is hereby authorized to construct, maintain and operate such systems of sewerage and sewage disposal and to lay, make and maintain such common sewers as the board may from time to time deem necessary for the purpose of disposing of its sewage. The district may also construct, maintain and operate such works as it may deem necessary in connection with said system; and for the purpose of providing better surface or other drainage for any parts of the city, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best, may deepen, widen and clear of obstruction any brook, stream or water course within the limits of the city, and straighten, alter or divert the courses or channels thereof.

**Sec. 13. May acquire lands, etc., by right of eminent domain or purchase; may construct sewers along highways, etc.** The said district shall for the purposes of this act have power to take from time to time by right of eminent domain, or to acquire by purchase or otherwise, any lands, water rights, rights of way or other easements in said city, public or private, necessary for any of the purposes mentioned in section twelve; and may construct such sewers and drains under or over any water course, bridge, railroad, railway, highway or other way, in such manner as not unnecessarily to obstruct the same; and may enter upon and dig up any private land or way for the purpose of constructing said systems, laying such sewers and drains, and maintaining and repairing the same, and may do any other thing necessary or proper in carrying out the purposes of this act.

**Sec. 14. When locations filed fee vests in districts; form of record; adjustment of damages.** When lands, water rights, rights of way or other easements are taken, said Auburn Sewerage District shall, within thirty days after the taking, cause to be recorded in the registry of deeds for the county of Androscoggin, a description of the same as certain as is required in a conveyance of land, with a statement of the purpose for which the same were taken, signed by a majority of its trustees; and upon such recording the fee in the lands, rights of way or other easements so taken, shall vest in the sewerage district. All damages sustained by any person or corporation by reason of such taking, or through any action of said sewerage district under this act, shall be paid by the district. If the damages are not agreed upon, a jury in the supreme judicial court of said county may be had to determine the same, in the same manner as in the case of lands taken for highways on appeal from the county commissioners, except such action shall originate in said court; but in the case of a taking no suit shall be brought after two years from the recording of such taking as herein required. All takings made in substantially the following form shall be valid: The Auburn Sewerage District, acting under the authority given by chapter \_\_\_\_\_ of the private and special laws of nineteen hundred seventeen, hereby takes for the purpose of (here state any of the purposes for which takings may be made) a certain parcel of land situated in said Auburn, bounded as follows (here give the description of the land) said premises being owned or supposed to be owned by\_\_\_\_\_



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\_\_\_\_\_ of \_\_\_\_\_ in the state of \_\_\_\_\_; also the following described rights of way or easements in said Auburn (here describe the rights or easements taken, and also describe sufficiently for their identification the premises over or through which said rights or easements are taken, and state ownership, or supposed ownership, of said premises.)

**Sec. 15. Costs in damage proceedings.** In every case of a petition for the assessment of damages or for a jury, said Auburn Sewerage District may at any time file an offer in writing, with the other papers in the case, to pay the petitioner a sum therein specified as damages; and if he does not accept the same within thirty days after notice of such offer, and does not finally recover a greater sum than that offered, not including interest from date of the offer on the sum so recovered, the district shall recover costs from said date, and if the petitioner does not recover damages in a greater sum than that allowed as aforesaid, he shall be entitled to costs only to the date of the offer.

**Sec. 16. Property of district tax exempt.** The property of said Auburn Sewerage District shall be exempt from taxation.

**Sec. 17. Referendum; ballot to be prepared by secretary of state.** This act shall take effect upon being approved by a majority of all legal voters of the city of Auburn, voting at the special state election in the month of September, nineteen hundred seventeen. A special ballot for the above purpose shall be prepared and submitted to the voters of the city of Auburn by the secretary of state, setting out the purpose and scope of this act.

**Sec. 18. Inconsistent statutes repealed.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 7, 1917.

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## Chapter 194.

An Act to Incorporate the Calais Water and Power Company.

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

**Sec. 1. Corporators, name and purposes.** Samuel C. Manley of Augusta, Josiah S. Maxcy and Weston Lewis of Gardiner, in the county of Kennebec, their associates, successors and assigns, be and hereby are, made a corporation by the name of the Calais Water and Power Company for the purpose of supplying the city of Calais and any adjoining municipalities and the inhabitants thereof with water for domestic, sanitary, and municipal purposes including the extinguishment of fires; and such corporation shall possess all the powers and be subject to all the liabilities and obligations imposed upon similar corporations by law.

**Sec. 2. Capital stock.** The capital stock of said company shall be one hundred thousand dollars, which may be increased or diminished at any