

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Ninth
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CHAP. 82

additional blanks as were purchased by him since said date for the use of said court. Hereafter the said commissioners shall provide all necessary blanks and dockets for the use of said court.'

Sec. 2. P. & S. L., 1915, c. 34, further supplemented. Section four of said chapter shall read as follows:

'Sec. 4. Recorder to receive compensation of judge when office of judge vacant. Whenever a vacancy shall occur in the office of judge of said court by reason of death, resignation, removal or expiration of term, the recorder of said court, while he performs the duties of judge, shall have and receive the salary provided for the judge of said court. This section shall apply to all vacancies after December thirty-first, nineteen hundred and eighteen.'

Approved March 28, 1919.

Chapter 82.

An Act to Amend Chapter One Hundred and Ninety-three of the Private and Special Laws of Nineteen Hundred and Seventeen, Entitled "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. P. & S. L., 1917, c. 193, § 1; relating to creation of Auburn Sewerage District and management of affairs, amended. Section one of chapter one hundred and ninety-three of the private and special laws of nineteen hundred and seventeen is hereby amended by striking out the first sentence of said section and inserting in place thereof the following: 'For the purpose of maintaining and extending the sewer system in the district hereinafter described, the territory and people constituting said district shall constitute a body politic and corporate under the name of the Auburn Sewerage District, in accordance with the subsequent provisions of this act. Said district shall be bounded, described and constituted as follows: All the territory and people constituting the city of Auburn except that portion of said city and the people residing therein within the following boundaries, to wit: Beginning at the junction of the Holland road so-called with the South river road so-called; thence westerly by said Holland road to its junction with the Old Danville road so-called; thence southerly by said Old Danville road to its junction with the Pownal road so-called; thence southerly by said Pownal road to the Durham town line; thence northeasterly by said Durham town line to the Androscoggin river; thence northerly by said Androscoggin river to a point opposite said Holland road; thence westerly to the junction of said Holland road and said South river road at the point of beginning.' And said section is further amended by striking out from the twentieth

to the twenty-eighth lines thereof inclusive, the words: "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," and inserting in place thereof the following: 'Said trustees shall annually in the month of March, after the appointment by the city council of one member as herein provided, organize by electing one of their number president and by electing a clerk and treasurer, and the compensation of said clerk and treasurer shall be fixed at such meeting;' so that said section, as amended, shall read as follows:

'Sec. 1. Territorial boundaries of district enlarged; trustees to organize annually, choose president, clerk and treasurer and fix compensation of clerk and treasurer. For the purpose of maintaining and extending the sewer system in the district hereinafter described, the territory and people constituting said district shall constitute a body politic and corporate under the name of the Auburn Sewerage District, in accordance with the subsequent provisions of this act. Said district shall be bounded, described and constituted as follows: All the territory and people constituting the city of Auburn except that portion of said city and the people residing therein within the following boundaries, to wit: Beginning at the junction of the Holland road so-called with the South river road so-called; thence westerly by said Holland road to its junction with the Old Danville road so-called; thence southerly by said Old Danville road to its junction with the Pownal road so-called; thence southerly by said Pownal road to the Durham town line; thence northeasterly by said Durham town line to the Androscoggin river; thence northerly by said Androscoggin river to a point opposite said Holland road; thence westerly to the junction of said Holland road and said South river road at the point of beginning. 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

CHAP. 82

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, the trustees 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. Said trustees shall annually in the month of March, after the appointment by the city council of one member as herein provided, organize by electing one of their number president and by electing a clerk and treasurer, and the compensation of said clerk and treasurer shall be fixed at such meeting. 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. P. & S. L., 1917, c. 193, § 2; relating to assumption by district of rights and powers conferred upon city, amended. Section two of chapter one hundred and ninety-three of the private and special laws of nineteen hundred and seventeen is hereby amended by striking out the word "act" in the fifth line and inserting in place thereof the word 'laws' and by striking out the word "successors" in the ninth line and inserting in place thereof the word 'successor,' so that said section, as amended, shall read as follows:

'Sec. 2. Certain inconsistencies modified to conform. 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 laws 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 successor of the city of Auburn and the municipal officers of the city of Auburn in all matters covered by this act.'

Sec. 3. P. & S. L., 1917, c. 193, § 8; relating to assessment of special sewer tax, amended. Section eight of chapter one hundred and ninety-three of the private and special laws of nineteen hundred and seventeen is hereby amended by striking out the words "and shall not exceed one and one-half mills on each dollar of valuation for any one year" in the seventh and eighth lines thereof and by striking out the words "subject, however, to said maximum tax. Said special tax shall be levied annually in the month of April" in the thirteenth, fourteenth and fifteenth lines thereof, and by inserting in place of said words in the thirteenth, four-

teenth and fifteenth lines aforesaid the following: 'Said special tax shall be levied annually within ninety days after the commitment of taxes to the tax collector of the city of Auburn by the board of assessors of said city, and shall be payable at such time as shall be determined by vote of the trustees of said sewerage district,' and by striking out the words "a special" in the last line and inserting in place thereof the word 'any', so that said section, as amended, shall read as follows:

'Sec. 8. Minimum limit eliminated; shall be levied within ninety days after commitment of taxes to collector; trustees to determine time of payment; payment to be enforced in same manner as any tax levied by municipal corporation. 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. 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. Said special tax shall be levied annually within ninety days after the commitment of taxes to the tax collector of the city of Auburn by the board of assessors of said city, and shall be payable at such time as shall be determined by vote of the trustees of said sewerage district. 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 any tax levied by any municipal corporation.'

Sec. 4. P. & S. L., 1917, c. 193, § 13; relating to acquisition of lands and construction of sewers along highway, amended. Section thirteen of chapter one hundred and ninety-three of the private and special laws of nineteen hundred and seventeen is hereby amended by inserting after the words "water rights" in the third and fourth lines thereof the words 'private drains or sewers', so that said section, as amended, shall read as follows:

'Sec. 13. May acquire private drains or sewers. 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, private drains or sewers, 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,

CHAP. 83

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.'

Approved March 29, 1919.

Chapter 83.

An Act to Amend Chapter Forty-two of the Private and Special Laws of Eighteen Hundred and Sixty-six, Relating to Martin's Point Bridge.

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

P. & S. L., 1866, c. 42; extending jurisdiction of Cumberland county commissioners over tide waters near Martin's Point bridge, amended. Chapter forty-two of the private and special laws of eighteen hundred and sixty-six is hereby amended by striking out the words "with a suitable draw", and substituting therefor the words 'with or without a draw as may be required by the United States War Department', so that said chapter, as amended, shall read as follows:

'Bridge to be built with or without draw as may be required by U. S. War Department. The county commissioners of the county of Cumberland, are hereby authorized and empowered to locate and establish, if they see fit, a public highway; beginning at a point on Martin's point in Westbrook, at or near the head of the old toll bridge, and thence proceeding in a northeasterly direction, along, or near the line of said old bridge, to Mackie's point, so called, in Falmouth, crossing tide waters; and cause to be built thereon and thereover a bridge with or without a draw as may be required by the United States War Department, and piers, and to expend in the locating, building and repairing thereof, any such sum or sums of money as they may, from time to time, adjudge to be proper and necessary; and to appoint one or more agents to superintend the expenditure of the same. And if said county commissioners decide to build said bridge, they are hereby authorized and required to add to their estimate of county taxes, such sum or sums as they may, from time to time, order to be expended as aforesaid.'

Approved March 29, 1919.