

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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1925

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second
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Chapter 79.

An Act Relating to the Rumford and Mexico Water District, Authorizing Said District to Take Water from Walker Brook in the Towns of Roxbury and Weld.

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

Sec. 1. Corporate purposes enlarged; right of eminent domain extended. For the purposes of its incorporation, the Rumford and Mexico Water District, in addition to the rights and powers conferred upon it by law, and under the franchises of the water companies by it acquired, is hereby authorized to take, hold, divert, use and distribute water from Walker brook, so-called, in the towns of Roxbury and Weld and for said purposes is hereby authorized to take and hold as for public uses, by purchase or otherwise, any land or water rights in said towns of Roxbury and Weld, necessary for erecting and maintaining dams for flowage, for power for pumping its water supply to its mains or reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights of way or road ways to said land.

Sec. 2. Authorized to lay pipes, etc., in towns of Roxbury and Weld. Said district is authorized to lay in and through the roads and ways of said towns of Roxbury and Weld and across private lands therein, and to maintain, repair and replace, all such pipes, 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, roadway 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. 3. District to give notice to land owners of its intention to purchase or condemn lands. The said Rumford and Mexico Water District shall give the land owners whose land will be flowed by building reservoirs and dams on said Walker brook at least two years' notice of its intention to purchase or condemn the land so flowed, in order that the land owners may have the right to cut the standing trees and growth and remove the same themselves should they so desire.

Approved March 28, 1925.

Chapter 80.

An Act to Incorporate the Presque Isle Sewer District.

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

Sec. 1. Territorial limits; name; purposes; plans of system to be sub-

mitted to public utilities commission for approval. That part of the town of Presque Isle, and the inhabitants within the same, which is bounded and described as follows: Commencing at a point on the south line of that part of the town of said Presque Isle which was formerly the town of Maysville, and which will hereinafter be referred to as Maysville, which point is the northwest corner of lot numbered five, in said Presque Isle; thence easterly by said south line of said Maysville to the southeast corner of section numbered three, in said Maysville; thence northerly by the east line of section numbered three, in said Maysville, to the intersection of said east line with the center line of the Fort Fairfield road as it is now located; thence westerly by said Fort Fairfield road, to the point where the same strikes the old road running to the farm formerly owned by George A. Parsons and now owned or occupied by Alice Kimball, said road not now being used by the public and a portion of same having at one time been occupied by the Aroostook Valley Railroad Company as a right of way; thence northwesterly by said old road running to the so-called George A. Parsons farm to the intersection of said road with the north line of section numbered three in said Maysville; thence westerly along the north lines of sections numbered three, two, and one, in said Maysville, to the northwest corner of lot numbered one, in section numbered one, in said Maysville; thence southerly by the west line of said lot numbered one to the south line of said Maysville; thence southerly from the last mentioned point, in a straight line, to the northwest corner of lot numbered eighty-three in said Presque Isle; thence southerly by the west line of said lot numbered eighty-three to a point from which a line drawn at right angles to said west line of said lot numbered eighty-three will strike the southwest corner of lot numbered twenty-seven in said Presque Isle; thence easterly, in a straight line, to the said southwest corner of lot numbered twenty-seven, in said Presque Isle; thence easterly by said south line of said lot numbered twenty-seven to the southwest corner of lot numbered twenty-six, in said Presque Isle; thence northerly along the west line of said lot numbered twenty-six to the south line of lot numbered fifteen, in said Presque Isle; thence easterly by the south line of said lot numbered fifteen to the southwest corner of lot numbered fourteen, in said Presque Isle; thence northerly by the west line of lots numbered fourteen and five, in said Presque Isle, to the south line of said Maysville and the place of beginning; said lot numbers and section numbers being according to the original surveys of that part of said Presque Isle which was formerly Maysville and of said Presque Isle, made and returned to the state land office, is hereby created a body politic and corporate by the name of Presque Isle Sewer District for the purpose of providing in said district a system of public sewerage and drainage for the comfort, convenience and health of the inhabitants of said district,

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with all the rights, privileges and immunities incident to similar corporations.

Provided, however, that it shall not construct any system of drainage or sewerage, without first having submitted its plans to the public utilities commission, and obtained its approval therefor in writing, under power vested in said commission by chapter ninety-eight of the public laws of nineteen hundred and seventeen.

Sec. 2. Authority to acquire and hold property; right of eminent domain conferred. 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, and 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 for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters and for other objects necessary, convenient and proper for the purposes of this act.

Assessment of damages; procedure. Said district shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the taking of any land or easements therein, under the provisions of this act; and if any person or corporation sustaining damages as aforesaid, and the district shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause his or its damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages resulting from the laying out of highways.

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 to and into the Presque Isle stream, the discharge therefrom to be at such point or points in said Presque Isle stream as shall be most reasonable and convenient for said district, and convey through the same, sewerage, 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 flush tanks, man-holes, lamp holes, and such usual appliances for collecting, holding, distributing and disposing of sewerage matters; may provide 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 the same, and also the annual rentals for using thereof; 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 by law, and to cross any drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct the use thereof, and to enter and dig up any such streets, road or way, for the purpose of laying pipes beneath the surface thereof, for placing man-holes or other fixtures and for maintaining or repairing the same, and in general to do any other acts or things necessary, convenient and proper to be done for the purpose of this act.

Abutting owners have right to enter. Said district at all times, after it shall commence receiving pay for the facilities supplied by it, 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 said Presque Isle Sewer District, and payment of the prices and rentals established therefor.

Sanitary provisions and penalty for violation of. Any person who shall place or leave any offensive or injurious matter or material on or in the conduits, catch-basins, or receptacles of said district contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch-basin, man-hole, lamp-hole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act, shall pay twice the amount of the damages to said district to be recovered in any proper action; and such person on conviction of either of said acts of wilful injury aforesaid, shall be punished by a fine not exceeding two hundred dollars, and by imprisonment not exceeding one year.

Liability of district for damages. Said district shall be liable to any person injured by any fault of said district or its agents, or any defects in the highway occasioned by the construction of the works, i. e., sewer system, of said district during said 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 also be liable to the said town of Presque Isle for any and all costs, damages, and expenses which said town may suffer or be put to, by reason of the default, neglect, negligence

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or carelessness of said district or of any of its officers, servants or agents in creating, maintaining or repairing said sewer system.

R. S., c. 22, secs. 5 to 11 made applicable. Sections five to eleven inclusive of chapter twenty-two of the revised statutes shall apply to sewers and drains constructed hereunder by said district and the acceptance of this charter by the legal voters within the limits of said district as is hereinafter provided, shall constitute an acceptance of said sections, as an acceptance is prescribed and contemplated by section twelve of said chapter twenty-two. In the application of said sections five to eleven, the trustees of said district shall perform all acts and duties and be subject to all responsibilities of municipal officers as prescribed by said sections.

Sec. 3. Trustees; election of; tenure of office; vacancies; first meeting and organization of board; annual report. All the affairs of said district shall be managed by a board of three trustees, residents or owners of real estate therein, who shall be elected by ballot of the persons therein legally qualified to vote in town meetings. They shall hold office for the term of three years and until their respective successors are chosen and qualified, except, however, as hereinafter provided. Vacancies shall be filled for the unexpired term.

The first board of trustees shall be elected at the meeting called for the acceptance of this act, one to serve until the first annual meeting of the district, one until the second, and one until the third such meeting. Thereafterward, one member shall be chosen at each annual meeting to serve for the term of three years. If a vacancy occurs in said board more than three months before the date of the next succeeding annual meeting, a special meeting shall be called to fill the vacancy, and all vacancies existing at the date of an annual meeting shall then be filled.

As soon as convenient after said first election the trustees shall hold a meeting at some convenient place in the district to be called by any member thereof in writing designating the time and place and delivered in hand to the other two members not less than two full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. When necessary they may choose a treasurer and other needful officers and agents who shall serve at their pleasure. 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, but shall not receive any compensation therefor except as trustees unless authorized by

vote of the district. The compensation of the trustees shall be fifty dollars each per annum unless otherwise provided by vote of the district.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk or clerk pro tem. They shall make and publish an annual report including a report of the treasurer.

Sec. 4. Annual meeting of district; qualification of voters of district. The annual meeting of the district shall be held in the district on the date of the annual town meeting of the Town of Presque Isle, 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 two public places within the district, not less than seven days before the meeting. Special meetings may be called by the board in like manner at any time, and notices 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 three 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. 5. 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 place designated for holding the meeting between the hours of ten o'clock in the forenoon and twelve o'clock noon of the secular day next before the date of every meeting; and two 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. 6. District and town authorized to make contracts. Said district through its trustees is authorized to contract with persons and corporations including the Town of Presque Isle, and said town of Presque Isle is authorized to contract with it, for the collection, discharge, and disposition of sewage or other waste matter.

Sec. 7. Authorized to acquire sewage system of town; right of emi-

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ment domain conferred. Said sewer district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant and property of the sewage system now in said district and owned by the town of Presque Isle; and the town of Presque Isle is hereby authorized and empowered to sell its said sewage plant and system to said district, provided the voters in said town shall at a town meeting legally called, notified, and held, legally vote so to do.

Sec. 8. Property tax exempt. The property, rights and franchises of said district shall be forever exempt from taxation.

Sec. 9. Authorized to issue notes and bonds; district declared a quasi-municipal corporation; bonds a legal investment for savings banks; temporary loans. For accomplishing the purposes of this act said district is hereby authorized and empowered through its trustees, to issue its notes, bonds and other evidences of indebtedness to an amount sufficient to procure funds to pay the expenses incurred in acquiring and constructing its plant or plants, properties and franchises and for further extensions, additions and improvements of the same, whether done at one time or from time to time, and to refund the same as they shall fall due. Said notes, bonds and other evidences of indebtedness shall be a legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section one hundred and five of chapter fifty-one of the revised statutes of nineteen hundred and sixteen, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Said bonds shall be a legal investment for savings banks. The trustees may also borrow on the notes of the district such sums as may be necessary to meet the current expenses of the district in anticipation of the collection of rates.

Sec. 10. Rates payable; application of revenue; sinking fund. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by the board of trustees for the service used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current running expense of the district including maintenance and provision for depreciation.
2. To provide for payment of interest on the indebtedness of the district.
3. To provide each year a sum equal to not less than one or more than five per cent of the entire indebtedness of the district, which sum shall

be turned into a sinking fund to provide for the final extinguishment of the debt. The money so set aside shall be devoted to the retirement of the obligations of the district, or invested in securities lawful for savings banks. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue bonds of the district so that not less than one per centum of the amount of the bonds so issued shall mature and be retired annually.

Sec. 11. Incidental powers granted. Said district is hereby vested with all incidental powers, rights and privileges necessary to the accomplishment of the main objects of this act.

Sec. 12. Local referendum provided for; procedure of election; form of question; certificate to secretary of state. This act shall take effect when approved by majority vote of the legal voters within said district voting by ballot at an election to be specially called and held for the purpose after ninety days from the date of final adjournment of this session of the legislature. The board of selectmen of the town of Presque Isle shall call said election to be held upon a date to be specified in writing by not less than four of the following persons now resident therein, namely: Ralph Sprague, John E. Estey, Wilfred S. Thompson, Nathan P. Cook, Carl A. Weick, Edward A. Keirstead, and George F. Washburn. 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 or the town clerk to post a new check list of voters, and for this purpose said board shall be in session the two secular days next preceding such election, the first 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 incorporate the Presque Isle 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. The result shall be declared in open meeting and due certificate thereof filed by the town clerk with the Secretary of State. If the majority of the votes cast shall be in the affirmative, said voters shall then proceed by written ballot to elect a board of trustees of said district as provided in section three of this act. Eleven 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 seven days at one time.