

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fourth  
Legislature

1929

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all the applicable provisions of chapter fifty-five of the revised statutes and acts amendatory thereof or additional thereto.

Approved March 15, 1929.

### Chapter 47.

An Act to Change the Name of the Town of East Livermore to the Town of Livermore Falls.

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

**Sec. 1. East Livermore to be changed to Livermore Falls.** From and after the date when this act takes effect the name of the town of East Livermore, in the county of Androscoggin, shall cease and said town shall thereafter be called and known by the name of Livermore Falls. Said town of Livermore Falls shall have and possess all the rights and privileges, and be subject to all and the same obligations and liabilities of the town of East Livermore.

**Sec. 2. Effective upon acceptance by voters:** This act shall go into effect upon acceptance of the same by the voters of the town of East Livermore, at any annual meeting called by a warrant containing an article for the purpose.

Approved March 15, 1929.

### Chapter 48.

An Act to Incorporate the Sabattus Water and Sewer District.

**Emergency preamble.** Whereas, the situation in Sabattus Village in the town of Webster with respect to the disposal of sewage has become unsanitary and dangerous to the health of the inhabitants of said village, which situation it has been found impracticable to remedy properly, except by means of a water works and sewerage system, and whereas the inhabitants of said Sabattus Village are without an adequate supply of pure water for domestic and public purposes, and whereas these facts rendered the passage of this act immediately necessary for the preservation of the public health, peace and safety and constitute an emergency within the meaning of the constitution, now, therefore,

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

**Sec. 1. Territorial limits; corporate name; submit plans to public utilities commission.** That part of the town of Webster, and the people within the same, which is bounded and described as follows: Commencing on the westerly shore of Sabattus pond at a stone monument, marking the town line between the town of Webster and the town of Greene; thence

southeasterly in a straight line across Sabattus pond and the right of way of the Maine Central Railroad to a point where the middle line of the road leading from Sabattus to Gardiner intersects the middle line of the road leading from Wales to Lisbon; thence southwesterly along the middle line of said Lisbon road, past the Pleasant Hill cemetery and across the Sabattus river and past the old Jordan school house, to a point where said middle line of the Lisbon road intersects the middle line of the road leading from Sabattus to Lisbon; thence in a true westerly course to the town line between the town of Webster and the city of Lewiston; thence northerly, following said Lewiston line to the Greene town line; thence northeasterly along said Greene town line to the stone monument, at the point of beginning, shall constitute a body corporate and politic under the name of the Sabattus Water and Sewer District for the purpose of supplying the inhabitants of said district and of the town of Webster and said town of Webster with water for domestic, sanitary, manufacturing, fire protection and municipal purposes, and for the purpose of providing in said district, and in any part of the town of Webster contiguous thereto, a system of public sewerage, drainage, and such other facilities, conveniences and improvements as they may deem for the comfort, convenience and health of the people of said district and of said contiguous territory, with all the rights, privileges and immunities incident to similar corporations. Provided, however, that it shall not construct any system of water supply, drainage or sewage, without having first 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. Right of eminent domain.** The said district, for the aforesaid purposes, is authorized to take and hold as for public uses, sufficient water of any underground or surface brooks, streams, springs, lakes or ponds wholly or partly in the towns of Webster, Wales or Greene, to take and hold as aforesaid by purchase or otherwise any land or real estate necessary for erecting dams, power plants, reservoirs, standpipes, or for preserving the purity of the water or watershed and for laying and maintaining aqueducts for taking, distributing, discharging and disposing of water, and for forming and maintaining basins, reservoirs, mains, pipes, outlets and other necessary conveniences for the collection, discharge and disposition of sewage matter, and for all other objects necessary for the convenient and proper enjoyment of any of the purposes of this act, including rights of way or roadways to its source of supply, points of discharge and other properties, anywhere in the town of Webster. And the right of eminent domain is hereby expressly delegated to said district for the aforesaid purposes. Said district is further authorized to sell, and

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to make contracts for the sale of water from whatever source it may be obtaining the same, for any of the purposes and under any of the powers contained in its charter.

**Sec. 3. Mains, etc., may be laid along public ways and across private lands.** Said district is hereby authorized to lay in and through the streets, roads and ways in said district, and in the town of Webster where its corporate services are rendered or its water supply is collected, conveyed or distributed, or sewage and other waste matter is collected, conveyed, discharged or otherwise disposed of, and across private lands therein, and to maintain, repair and replace, all such pipes, aqueducts, mains and fixtures as may be necessary and convenient for its corporate purposes; and wherever it shall lay any pipe, aqueduct or main in any street, road or way, 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. 4. Procedure in exercising right of eminent domain.** In exercising any right of eminent domain conferred upon it by law, from time to time, the said district shall file in the office of the county commissioners of the county where such lands or water rights are situated and record in the registry of deeds in said county, plans of the location of all lands or interests therein or water rights, 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 the property authorized to be taken, and which is described in such location or the location 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 acts 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 ten days from such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

**Sec. 5. Adjustment of damages.** If any person sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county where said lands or water rights are situated, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restric-

tions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

**Sec. 6. Procedure as to crossing of railroads.** In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said district, the public utilities commission shall determine the place, manner and condition of such crossing; and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company, but at the expense of the district.

**Sec. 7. Board of trustees; how elected; powers and duties; annual report.** All the affairs of said district shall be managed by a board of three trustees, residents of said district and legal voters 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 regular 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

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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. 8. Annual and special meeting; qualification of voters.** The annual meeting of the district shall be held in the district on the date of the annual town meeting of the town of Webster, 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. 9. Trustees to act as board of registration.** 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. 10. May contract for water supply with town of Webster, corporations or individuals.** Said district through its trustees is authorized to contract with persons and corporations including the town of Webster and said town of Webster is authorized to contract with it, for furnishing water for domestic, sanitary, manufacturing or municipal purposes, and for the collection, discharge, and disposition of sewage or other waste matter.

**Sec. 11. Exempt from taxation.** The property, rights and franchises of said district shall be forever exempt from taxation.

**Sec. 12. May issue bonds and negotiate temporary loans; bonds legal investment for savings banks.** 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, also to pay for expenses incurred in the creation of said district. 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. 13. Water rates; sinking fund created.** 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:

I. To pay the current running expenses of the district including maintenance and provision for depreciation.

II. To provide for payment of interest on the indebtedness of the district.

III. 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 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. 14. Incidental powers and rights 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. 15. Referendum; ballot.** 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. The board

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of selectmen of the town of Webster 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: William F. Huen, Charles C. Holden, Wendell E. Maxwell, Tileston E. Woodside, Wilton S. Campbell, C. M. Randlette, Mattie B. Holden. 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 correctness 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 Sabattus Water and 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 seven 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.

**Sec. 16. Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved, subject to the provisions of section fifteen of this act.

**Sec. 17. R. S., c. 55, to govern.** 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 fifty-five of the revised statutes, and all acts amendatory thereof or additional thereto.

Approved March 15, 1929.