

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944, and all acts amendatory thereof or additional thereto.

Effective August 13, 1947

Chapter 160

AN ACT to Create the Waterville Sewerage District.

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

Sec. 1. Incorporation. The territory and people constituting the city of Waterville shall constitute a body politic and corporate under the name of the Waterville Sewerage District. The purpose of said district shall be to take over, control, manage and operate the drains and sewers now owned by the city of Waterville, to extend, increase, enlarge and improve said drains and sewers, to extend the present system or systems so as to furnish sewerage facilities to portions of the city not now served with such facilities, to provide for surface drainage as well as removal of sewage and to provide for disposal of sewage in whole or in part by other means than emptying it into rivers when, as and if such disposal becomes necessary, and generally to provide a system of sanitation sewerage and drainage and storm sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said district.

Sec. 2. Authority to acquire and hold property; right of eminent domain conferred. Upon acceptance of this act as hereinafter provided title to all public drains and sewers in the city of Waterville shall pass to and vest in said district and 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 sewage treatment and for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewage matter and waters and for other objects necessary, convenient and proper for the purposes of this act, and all of which property, wherever located shall be exempt from taxation.

Sec. 3. Procedure in exercise of right of eminent domain. The commissioners hereinafter provided of said district may exercise the right of eminent domain vested in said district for the purposes of this act after hearing, notice of the time and place of said hearing having been given by publication in the Waterville Morning Sentinel, for 2 weeks previous to the time appointed for said hearing, and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor, and upon the signing of said record of said commissioners, and the filing of the same in the registry of deeds for the county of Kennebec, said commissioners may enter upon such land and take possession of the same, or an easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said commissioners, so far as it relates to the damages for land or easements therein so taken, shall have the same rights of appeal as are provided in the case of the laying out of town ways.

Sec. 4. 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 and convey through the same, sewage, 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 treatment plants, flush tanks, manholes, lamp-holes, and such usual appliances for collecting, holding, distributing and disposing of sewage; 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 commissioners regulations for the use of sewers and fix and collect the prices to be paid for entering same, and also the annual rentals for the use 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 herein 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 manholes 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. The commissioners of said district shall have access to all maps,

plans and files relating to sewers and drainage which are in possession of the city of Waterville.

Sec. 5. Procedure if public utility must be crossed. In case of any 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. 6. R. S., 1944, c. 84, §§ 133-155, made applicable; commissioners and other officers to have same powers as municipal officers; other powers of commissioners. In respect to the manner of constructing drains and sewers in said district, the assessment of abutting owners for the cost of the same and the collection of said assessments, the issuing of permits and in respect to all other matters covered by the sections herein referred to, the commissioners of said district shall be governed by the provisions of sections 133 to 155, inclusive, of chapter 84 of the revised statutes of 1944 and all acts amendatory thereof, and the district is hereby granted the same power and authority in said premises as have the municipal officers of cities and towns in like cases, and the words "town clerk", in said sections, shall be construed to mean the clerk of said district, and the inhabitants of said district shall have the same rights and privileges, and be subject to the same regulations and restrictions, as are now granted to and imposed upon individuals under said sections. In the application of said sections 133 to 155, the commissioners of the said district shall perform all the acts and duties and be subject to all responsibilities of municipal officers, as is provided by said sections. Said commissioners shall have the power to determine when and where in said district sewerage facilities are most needed, and how said sewers shall be built; where, when, and what repairs, renewals, and extensions are necessary, and how the same shall be built, and their decision in such matters, except as if otherwise provided in the sections above referred to, shall be final. It is provided, however, that the municipal officers of said town may make written recommendation to the commissioners of said district regarding sewerage necessities in said district.

Sec. 7. Commissioners authorized to employ engineers and laborers and to make contracts. In prosecuting the work contemplated by this act, said commissioners may engage the services of engineers and laborers; may purchase all necessary material and supplies, and construct said drains and sewers under their own supervision, or they may, if they deem it advantageous, contract with some responsible person, firm or corporation for

the construction of said drains and sewers, but said district shall in no case be released from liability, by reason of having contracted with any person, firm, or corporation, as provided above, for the construction of any sewer, drain or other structure.

Sec. 8. Commissioners not to be interested in contracts of district. It is further provided that no person, while he is a commissioner of said district, shall be interested, either directly or indirectly, in any contract or agreement for the construction of any sewer, drain or other structure, in said district, entered into by said district. This provision, however, shall not prevent said district from entering upon, or taking land, or any easement therein, of any officer of said district, while he is such an officer, and awarding damages therefor, if, in the opinion of said trustees, such entering or taking is necessary for the purposes of said district.

Sec. 9. Excavations and repair work; property to be left in good condition; liability for damages; closing of streets. Whenever said district shall enter, dig up or excavate any street, way or highway, or other land, within said district, for the purpose of laying pipes or conduits, constructing manholes or catch-basins, or for the purpose of taking up, repairing, extending or maintaining any sewer, drain, manhole, catch-basin or other structure, or for any other purpose, said street, highway, way or other land shall, at the completion of the work of said district, be returned to the condition said street, way, highway or other land was in prior to the work of said district, or to a condition equally as good, and said district shall be liable to any person, firm or corporation injured or damaged by any fault of said district or its servants or agents, or by reason of any defect in any way, street or highway occasioned by the construction of any of the works of said district, either during such 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 be liable to the city of Waterville for any and all costs, damages and expenses which said city may suffer, or be put to, by reason of the default, neglect, negligence, or carelessness of said district or any of its officers, servants or agents, in creating, maintaining, repairing or extending said sewerage system.

Where the character of the work of said district is such as to endanger travel on any street or way, said city of Waterville shall direct the temporary closing of such streets or ways, and of intersecting streets or ways, upon request of said district, and such streets or ways shall remain closed to public traffic until the work of said district is completed, and the surfaces of said streets or ways are restored to a proper condition, as hereinbefore set forth.

Sec. 10. 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 sewage upon conformity to the rules and regulations of said Waterville Sewerage District and payment of the prices and rentals established therefor.

Sec. 11. Sanitary provisions and penalty for violation. 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, manhole, lamp-hole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act, shall be liable to 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 \$200 and by imprisonment not exceeding 1 year.

Sec. 12. Management. All the affairs of said district shall be managed by a board of 3 commissioners resident therein chosen by plurality vote by the voters of the city of Waterville as hereinafter provided. As soon as convenient after the first members of said board have been chosen they shall hold a meeting at the city rooms in the city of Waterville and organize by the election of a chairman, clerk, treasurer, who shall furnish bond in such sum as commission may fix, and by the election of such other officers and agents as they deem necessary, which other officers and agents shall serve at the pleasure of said commissioners. They shall also adopt a corporate seal and all by-laws and regulations necessary. The commissioners shall meet monthly and specially as may be necessary and each shall receive compensation of \$5 for each regular or special meeting attended provided, however, that the total annual compensation of each shall not exceed \$100. They shall publish an annual report. At said first meeting they shall choose by lot one of their numbers whose term shall expire on the 1st Tuesday of January following the next city election; one whose term shall expire 2 years later; and one whose term shall expire 4 years later. After expiration of the term of the first chairman, the member whose term is next about to expire shall be chairman. At each subsequent city election one member of the board shall be chosen by the voters of Waterville for a term of 6 years. In case of vacancy arising from death or other cause the city council of Waterville may choose a member to fill out the unexpired term.

Sec. 13. Authority to borrow money. For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said district, through its commissioners, without district vote, is authorized to issue its notes and bonds in one series or in separate series from time to time and to make subsequent renewals of the

same in whole or in part to an amount not exceeding the sum of \$500,000. Said notes and bonds shall be legal obligation of said district, shall be a legal investment for savings banks in the state of Maine, and shall be exempt from all present taxes. Each bond or note shall have inscribed on its face the words "Waterville Sewerage District Bond", or "Waterville Sewerage District Note", as the case may be, and shall bear interest at such rates as the commissioners shall determine. If said bonds be issued from time to time, each authorized issue shall constitute a separate loan. Each loan shall be payable in annual amounts of principal, beginning not more than 1 year from its date and made to run for such period as said commissioners shall determine.

All bonds or notes issued by said district shall bear the district seal, and shall be signed by the treasurer and countersigned by the chairman of the commissioners of said district, and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer.

All bonds issued by said district may be issued with or without provisions for calling the same for payment before maturity, and in case of such call provisions, with or without provision for the payment of a premium of not exceeding 5% of the principal upon such call.

Sec. 14. Sinking fund provided for; issue of refunding bonds authorized. In case any of said bonds are made to run for a period of years, a sinking fund shall be established by the commissioners of said district, for the purpose of redeeming said term bonds when they become due, and not less than 1% of the aggregate principal of the outstanding sinking fund bonds issued on account of or in behalf of said sewerage district, as aforesaid, shall be turned into said sinking fund each year, to provide for the final extinguishment of said district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purpose, and shall be invested in such securities as savings banks are allowed to hold.

All sums of money received or recovered by said commissioners by reason of any assessment upon the persons or property of individuals in said district shall be added to said sinking fund, or used for the payment of notes or temporary loans.

Whenever any bonds of said district become due, or can be purchased by said commissioners on favorable terms, said commissioners shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds, and cancel them. In no case shall bonds so cancelled or redeemed be reissued.

In case the amount in said sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said district.

Sec. 15. 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 commissioners for the service used by them, and said rates shall be uniform within the territory supplied by the district and subject to the approval of the public utilities commission. Said rates shall be so established as to provide revenue for the following purposes:

I. To pay the current expenses for operating and maintaining the sewerage system.

II. To provide for the payment of the interest on the indebtedness created or assumed by the district.

III. To provide each year a sum equal to not less than 1% of the entire indebtedness created or assumed by the district, which sum shall be turned into the sinking fund and there kept to provide for the extinguishment of said indebtedness. Provided, however, that the commissioners, 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.

IV. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 16. Referendum. Except as hereinafter provided this act shall take effect whenever approved by a majority vote of the qualified voters within said district voting by ballot at any election called under the provisions of the charter of the city of Waterville and to be held not later than January 1st, 1949, but only if the total number of votes cast for and against the acceptance of this act in said election equals or exceeds 20% of the total vote for all candidates for governor cast in said city of Waterville at the previous gubernatorial election.

The city clerk shall reduce the subject matter of this act to the following question: "Shall the Act to incorporate the Waterville Sewerage District be approved?", and the voters shall indicate by a cross placed under the words "Yes" or "No" their opinion of the same. The commissioners may be voted for at the same election and if this act is approved as above provided the 3 candidates having the largest number of votes shall constitute the first board. The result shall be declared by the municipal officers and due certificate thereof shall be filed with the secretary of state.

Sec. 17. Act effective 90 days after adjournment of legislature for purpose of local referendum. This act shall take effect in 90 days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the election authorized in section 16.

Sec. 18. 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 the existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all applicable provisions of chapter 40 of the revised statutes and all acts amendatory thereof and additional thereto.

Effective August 13, 1947

Chapter 161

AN ACT to Establish the Old Orchard Beach Sewage District.

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

Sec. 1. Territorial limits; corporate name and purposes. The territory of the town of Old Orchard Beach in the county of York, and the inhabitants within the same and the area comprising the ocean bed of Saco Bay adjoining said Old Orchard Beach, extending 3,500 feet below and beyond high-water mark, in order to accomplish the purposes of this act, shall be and hereby are constituted a body politic and corporate under the name of the Old Orchard Beach Sewage District, hereinafter called the district, for the purpose of providing and maintaining within the district a sewer system, drains and sewerage disposal plants, when, as and if such sewer system, drains and sewerage disposal plans become necessary, for public purposes and for the health, comfort and convenience of the inhabitants of said district, and for insuring the purity of the bathing waters of Saco Bay, adjacent to said Old Orchard Beach, and said district is hereby invested with all the powers, rights, privileges and immunities incident to similar corporations, or necessary for the accomplishment of these purposes.

Sec. 2. Powers. The district is hereby authorized for the purposes aforesaid to take over and hold the sewers and other assets of the existing sewerage system of the town of Old Orchard Beach, and to acquire and hold by purchase, lease, the exercise of the right of eminent domain, or otherwise, land, real estate, rights, easements or interests therein, located within the district or elsewhere, and personal property. It also is empowered through its trustees to make contracts with persons or corporations for the collection, discharge and disposal of sewerage and other waste matter.

Sec. 3. Assumption of liabilities. Said district shall assume and pay any and all indebtedness or liability existing on the part of said town of Old