

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1058

H. P. 929

House of Representatives, February 24, 1955.

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Courtois of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Charter of the Saco Sanitary District.

Emergency preamble. Whereas, the existing sewage and drainage system of the city of Saco is inadequate for the needs of the inhabitants of said city; and

Whereas, such inadequacy is injurious to the health and safety of the inhabitants of said city; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve such conditions; and

Whereas, by Chapter 148 of the private and special laws of 1953 the 96th legislature incorporated the Saco Sanitary District for the purpose of remedying such conditions; and

Whereas, the following amendments to the charter granted to said Saco Sanitary District by the 96th legislature are immediately necessary to enable the district to take steps to remedy such conditions; and

Whereas, acts of the legislature do not become effective until 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1953, c. 148, § 1, amended. Section 1 of chapter 148 of the private and special laws of 1953 is hereby amended to read as follows:

Sec. 1. Territorial limits; name; purposes. That part of the city of Saco, and the inhabitants therein, which is bounded and described as follows: Beginning at a point where the boundary line between the city of Saco and the city of Biddeford intersects the southeasterly boundary line of land of the Maine Turnpike; thence northeasterly to the southeasterly boundary line of the said Maine Turnpike to a point where the said line intersects the northeasterly side line of the Flag Pond road situated in said Saco; thence southeasterly along said northeasterly side line of the Flag Pond road extended to the boundary line dividing the city of Saco and the town of Old Orchard; thence in a generally southerly direction along said boundary line to the Atlantic ocean; thence generally southwesterly along the said Atlantic ocean to a point where said line intersects the boundary line of the city of Saco and the city of Biddeford; thence in a generally northeasterly direction along said line to the point of beginning, is hereby created a body politic and corporate under the name of the "Saco Sanitary District," hereinafter called the district ~~for the purpose of providing and maintaining within the district a sewer system, drains and sewage disposal plants, collection and disposal of wet and dry waste, when, as and if such disposal plants become necessary.~~ The purposes of said district shall be to take over, control, manage and operate the sewers and drains within said district now owned by the city of Saco with all appurtenances thereto; 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 said city within said district not now served by such facilities; to provide for the collection and disposal of wet and dry waste; to provide for treatment of sewage in whole or in part, including the construction, maintenance and operation of sewage and waste disposal plants, when, as and if such plants become necessary; and generally to provide a system of sanitary sewerage and drainage and waste disposal for public purposes and for the health, comfort and convenience of the inhabitants of said district; 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. P. & S. L., 1953, c. 148, § 2, amended. The first paragraph of section 2 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof:

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 within said district now owned by the city of Saco with all appurtenances thereto shall pass to and vest in said district, and said district shall maintain and operate the same. For the purpose of providing a system of sewers and drainage and waste disposal 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 subject to all duties and obligations of the city of Saco with respect thereto, which duties and obligations are to be assumed by said district. The district 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, for collection and disposal of wet and dry waste, and for laying pipes and maintaining the same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewage matter and rain water and for other objects necessary, convenient and proper for the purposes of this act, and all of such property, wherever located, shall be exempt from taxation.'

Sec. 3. P. & S. L., 1953, c. 148, § 3, repealed and replaced. Section 3 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof :

'Sec. 3. Procedure in exercise of right of eminent domain. The trustees hereinafter provided for 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 the said hearing having been given by publication in the Biddeford Daily Journal once a week for 2 successive weeks, the last publication to be at least 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. In lieu of the notice of publication hereinbefore defined, said notice may be served in hand by an officer duly qualified to serve civil process in this state on the record owner or owners of the premises involved, the same to be served at least 14 days prior to the time appointed for said hearing. Upon the signing of said record of said trustees, and the filing of the same in the registry of deeds for the county of York, said trustees 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 trustees, 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. P. & S. L., 1953, c. 148, § 4, repealed and replaced. Section 4 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof :

'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, storm water inlets and such usual appliances for collecting, holding, distributing and disposing of sewage and storm water and wet and dry waste; may supply 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 service charges and rates for the use thereof; may fix and collect through and by its trustees the fees to be paid for the collection of wet and dry waste under such regulations as said trustees may establish; may enter into contract with persons, corporations or municipalities outside the boundaries of the district to care for sewage or drainage

through the district's system; 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 water pipe, gas pipe, electric conduit, drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct its use 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 Saco, public utilities and private persons for any and all costs, damages and expenses which each 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. The trustees of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the city of Saco. Whenever said district shall lay any pipes, conduits or fixtures in any street, way 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. 5. P. & S. L., 1953, c. 148, § 6, repealed and replaced. Section 6 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof:

'Sec. 6. Management. All affairs of the district shall be managed by a board of 3 trustees, residents of the district and qualified voters of the city of Saco, who shall be appointed by the city council of the city of Saco. In the first appointment of trustees hereunder, one shall be selected for a term of 1 year, one for 2 years, and one for 3 years. At the expiration of the term of each member, a new member of the board shall be appointed by the city council for a term of 3 years. The term of any trustee shall continue until his successor is appointed and qualified. In case of a vacancy arising from death or other cause, the city council may appoint a new member to fill out the unexpired term. As soon as convenient after the 1st members of the board have been appointed, they shall hold a meeting at some convenient place in the district and organize by the election from the members of a chairman, clerk and treasurer, who shall furnish bond in such sum and with such sureties as the trustees 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 trustees. Said trustees shall also adopt a corporate seal and all necessary by-laws and regulations. The trustees shall each receive compensation of \$5 for each meeting of the board attended. Members of the board shall be eligible to any office under the board, but shall not receive any compensation therefor, except as trustee. Each trustee shall be sworn for the faithful performance of his duty. The trustees shall publish an annual report, including a report of the treasurer. In prosecuting the work contemplated by this act, said trustees may engage the services of engineers and laborers; may purchase all necessary material and supplies, and construct said drains, sewers and other structures under their own supervision, or they may, if they deem it ad-

vantageous, contract with some responsible person, firm or corporation for the construction of said drains, sewers, and other structures, 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. 6. P. & S. L., 1953, c. 148, § 7, repealed and replaced. Section 7 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof:

'Sec. 7. 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 trustees, is authorized and empowered to issue it notes and bonds in 1 series or in separate series from time to time, and to refund and to make subsequent renewals of the same in whole or in part, in an amount or amounts, at such rate or rates of interest, and on such terms and conditions as the trustees shall determine; provided, however, that the total outstanding indebtedness of said district shall at no time exceed the sum of \$200,000. Said notes and bonds shall be legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 136 of chapter 53 of the revised statutes of 1954, and all the provisions of said section are applicable thereto; 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 "Saco Sanitary District"; shall bear the district seal, and shall be signed by the treasurer and countersigned by the chairman of the trustees 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, the premium, if there be one, may vary with maturities in any issue, but shall not exceed 5% of the principal upon any such call. If said bonds or notes be issued from time to time, each authorized issue shall constitute a separate loan. The district, through its trustees, is also authorized and empowered to borrow from the city of Saco, and the city of Saco is authorized and empowered to loan to the district, such funds as may be necessary or desirable to accomplish the purposes of this act.'

Sec. 7. P. & S. L., 1953, c. 148, § 7-A, additional. Chapter 148 of the private and special laws of 1953 is hereby amended by adding thereto a new section to be numbered 7-A, to read as follows:

'Sec. 7-A. Sinking fund provided for; issue of refunding bonds authorized; distribution of surplus. In case any of said bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds or notes when they become due, and not less than 1% of the aggregate principal of the outstanding bonds or notes issued on account of or in behalf of said 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 purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of said district become due, or can be purchased by said trustees on favorable terms, said trustees 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 trustees.

Distribution of surplus shall be at the discretion of the trustees.'

Sec. 8. P. & S. L., 1953, c. 148, § 10, amended. The first sentence of section 10 of chapter 148 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof :

'There shall be a lien on real estate served by the several sewers of the district to secure the payment of rates established and due under the provisions of section 8 which shall take precedence over all other claims on such real estate, excepting only claims for taxes.'

Sec. 9. P. & S. L., 1953, c. 148, § 10, amended. Section 10 of chapter 148 of the private and special laws of 1953 is hereby amended by inserting after the 6th sentence a new sentence to read as follows :

'In the case of a non-resident the aforesaid notice of lien and demand for payment shall be given by registered mail or by publication in the Biddeford Daily Journal once a week for 2 successive weeks, and after the expiration of 10 days from the date of mailing said notice or after the expiration of 10 days from the last publication of said notice and within 1 year after said expiration periods, the treasurer shall record said certificate.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.