

AUBURN WATER DISTRICT

Private and Special Laws of 1923 as Amended by

P. & S. L. 1965 Ch. 214 1982

CHAPTER 60

An Act to Incorporate the Auburn Water District.

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

Sec. 1. Territorial limits; name; purpose. The following territory and the people therein, namely: All the territory and people constituting the city of Auburn except that portion of said city and the people 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; shall constitute a public municipal corporation under the name of the Auburn Water District, for the purpose of supplying the inhabitants of said district and of contiguous territory not already served, with pure water for domestic, sanitary and municipal purposes. All incidental rights, powers and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 2. Title to all property of Auburn Water Commissioners and city of Auburn to vest in Auburn Water District. At the time this act takes effect, the title of the Auburn Water Commissioners, the corporation heretofore charged with the control and management of the water system in said district, and the title of the city of Auburn, to the entire plant, property and franchises, rights and privileges, including all lands, buildings, waters, water rights, dams, reservoirs, pumping-stations, pipes, aqueducts, machinery, fixtures, hydrants, tools, apparatus and appliances, used or capable of being used for the purpose of maintaining a public water supply, together with all sinking funds, current funds, moneys, bills and accounts receivable, and all books, plans and documents

shall vest in and become the property of said Auburn Water District. Said city of Auburn and said Auburn Water Commissioners shall each make, execute and deliver to said Auburn Water District, within thirty days after this act takes effect, such deeds and conveyances of real property and rights and interests therein, and such transfer, assignment and delivery of personal property, funds, moneys, bills and accounts receivable, books, plans and documents, as shall effectuate the purpose and intention of this section.

Sec. 3. AUBURN WATER DISTRICT TO ASSUME ALL LIABILITIES OF OLD CORPORATION, OBLIGATIONS OF BONDS NOT IMPAIRED. As consideration for the transfer and conveyance of the property and rights described in the foregoing section, said Auburn Water District shall assume all the existing indebtedness and all liability of every nature of the City of Auburn and of the Auburn Water Commissioners incurred prior to the time when this act takes effect in the establishment, maintenance, operation, extension and improvement of the present water system in the City of Auburn, and all outstanding bonds issued for any and all of said purposes, whether issued by said City of Auburn or by said Auburn Water Commissioners, shall be and become legal and binding obligations of said Auburn Water District, and nothing herein shall be construed to impair the obligation of said bonds or the right of the holders thereof. All valid contracts existing between said Auburn Water Commissioners and any person, firm or corporation shall be assumed and carried out by said Auburn Water District.

Sec. 4. Trustees; mayor of Auburn a trustee ex-officio; present trustees to serve out terms; trustees to be elected by city council; vacancies. All the affairs of said Auburn Water District shall be managed by a board of seven trustees, which in the first instance shall be the members of the Auburn Water Commissioners, including the mayor of the city of Auburn holding office at the time this act takes effect. The six trustees, exclusive of the mayor of the city of Auburn, 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 term of office one trustee shall thereafterwards be elected annually in the month of March by the city council of the city of Auburn for a term of six years. The mayor of the city of Auburn shall by virtue of his office be a trustee of said Auburn Water District during his term as mayor. The city council of the city of Auburn may at any time fill any vacancy in said board of trustees, exclusive of the mayor of said city, 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 trustee so appointed shall hold office for the unexpired term of the trustee whose office is made vacant. From and after the organization of the board of trustees as above pro-

vided, and the transfer to said Auburn Water District of the water system as provided in section two of this act, the rights and powers of the Auburn Water Commissioners to the control and management of said water system shall cease and terminate.

Sec. 5. Organization of board seal, by-laws; trustees to elect superintendent, treasurer and clerk, and employ other agents, etc., annual report. Said board of trustees shall organize by electing one of their number president at a meeting to be held within thirty days after this act takes effect, and annually thereafter in the month of March subsequent to the appointment by the city council of the city of Auburn of one trustee as herein provided. Said trustees shall adopt a corporate seal and such by-laws as are necessary for their own convenience and the proper management of the affairs of said Auburn Water District. Said trustees shall choose annually a superintendent, treasurer and clerk, and employ from time to time such other officers, agents and servants as they deem necessary. Said officers, agents and servants shall perform such duties as shall be designated by the trustees, and be subject to removal by the trustees at all times. The treasurer and clerk shall give such bond as the trustees may require. Said trustees shall annually in the month of March, compile and print a statement of the condition of the property and finances of said district, with an account of all receipts and expenditures.

Sec. 6. Powers; municipal court of Auburn given jurisdiction to enforce by-laws. Said Auburn Water District shall have power to adopt by-laws, not inconsistent with the general laws of the state, to prevent pollution of the water of Lake Auburn and to preserve the purity of said water, and may prescribe penalties for the violation thereof, which said by-laws shall have the same force and effect as municipal ordinances, and the municipal court of the city of Auburn shall have jurisdiction of violations thereof. Said Auburn Water District shall have power and authority to complain by bill in equity to the supreme judicial court to enjoin, prevent or restrain any persons, firms or corporations from polluting the water of Lake Auburn, provided such pollution shall tend to corrupt or impair the quality of the water of said Lake Auburn for domestic purposes, or render it injurious to health.

Sec. 7. Right of eminent domain conferred. The said Auburn Water District, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase, eminent domain, or otherwise, any land or interest therein, or water rights necessary for erecting and maintaining dams, for collecting, storing and holding water, for flowage, for power for pumping its water supply through its mains, for reservoirs, for guarding against pollution and for preserving the purity of the water and water shed, for laying and maintaining pipes, aqueducts and other structures, for taking, distributing, discharging and disposing of water and for rights of way or roadways to its sources of supply, its dams, power and pumping stations, reservoirs, mains, pipes, aqueducts, structures and lands.

Sec. 8. Plans of location to be filed in registry of deeds; may correct locations and file new descriptions; notice to be given of all entries. In exercising from time to time the right of eminent domain conferred upon it by law, the said Auburn Water District shall file in the office of the county commissioners of Androscoggin county and cause to be recorded 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 property which it is authorized to take and which is described in such location, or if the location so recorded is defective and 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; whereupon 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. 9. Assessment of damages by county commissioners; procedure on appeals. 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 Androscoggin county, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

Sec. 10. Authorized to erect and maintain pumping stations, dams, etc. Said Auburn Water District is hereby authorized to erect, construct and maintain all power and pumping stations, dams, reservoirs, mains, aqueducts, structures, roadways and fixtures necessary and convenient for its corporate purposes.

Sec. 11. Authorized to lay pipes in streets. Said Auburn Water District is hereby authorized to lay in and through the streets, roads, ways and highways of the city of Auburn and across private lands therein; and to maintain repair and replace all such pipes, mains, aqueducts and fixtures as may be necessary and convenient for its corporate purposes; and whenever said district 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. 12. Crossings of railroad regulated. In case of any crossing of any 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 conditions 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. 13. May issue bonds and borrow money and issue notes; bonds, and notes legal investment for savings banks. The Auburn Water District is hereby authorized, with the permission of the city council of the city of Auburn first obtained, and under the further permission and direction of the public utilities commission, to issue bonds for the purpose of paying or refunding the indebtedness assumed by said district in the acquisition of the property and rights of the Auburn Water Commissioners and the city of Auburn in the creation of said district, and from time to time for the further purpose of the purchase or acquisition of other property and rights, of making extensions, additions and improvements to its water system and to the existing sources of water supply and of securing additional sources of each water supply. Said Auburn Water District is also authorized to borrow money for temporary purposes and to issue therefor the interest-bearing negotiable notes of the district, which said notes shall be payable not later than one year from the date thereof. Said notes and bonds shall be legal obligations of said Auburn Water District, which is hereby declared to be a quasi-municipal corporation within the meaning of section one hundred and five, chapter fifty-one, of the revised statutes, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Said notes and bonds shall be legal investments for savings banks. Every issue of bonds shall be payable within a term of thirty years.

Sec. 14. Bonds, now payable; sinking fund may be created. Bonds issue by said Auburn Water District under authority of this act shall be payable in such annual installments as will extinguish each issue in thirty years from its date; and the amount of such annual installment in any year shall not be less than the amount of the principal of said issue payable in any subsequent year; or in lieu of such provision for serial payments, said Auburn Water District shall create a sinking fund by setting aside annually from its income such amount as shall be sufficient with interest accumulations to extinguish and pay at maturity any issue of bonds which contain no provision for serial payment as aforesaid. The money so set aside shall be devoted to the purchase or retirement of the obligations of said district, or invested in securities legal for savings banks in the state of Maine.

Sec. 15. Property exempt from taxation. The property rights and franchises of said district shall be forever exempt from taxation.

Sec. 16. RATES, NOW ESTABLISHED AND PAID. All individuals, firms and corporations, public or private, other than the City of Auburn, shall pay to the treasurer of said district the rates established by its board of trustees for the service used by them, which shall be uniform within the territory supplied by the district and shall be subject to the approval of the Public Utilities Commission. Beginning October 1, 1964, the City of Auburn shall pay for the service used by it in its public and school buildings such meter rate as shall be fixed by its board of trustees and such sum for each public fire hydrant payable on an annual basis as the board of trustees of the district and the City of Auburn, may from time to time, determine by contract to extend for such period of time as shall be fixed thereby, or the sum of \$30 for each such hydrant for which water is supplied by the district each year, whichever is greater, all to be subject to the approval of the Public Utilities Commission.

Said rates shall be so established as to provide revenue for the following purposes:

1. To pay current expenses for operating and maintaining the water system.
2. To provide for the payment of the interest on the indebtedness created by the district.
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept and used for the extinguishment of said indebtedness. The money set aside for the sinking fund until used for the retirement of the obligations of the district may be placed at interest in any bank or trust company or invested in such securities as savings banks or fiduciaries or trustees are now or hereafter allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district to mature as provided by section 13.

If any surplus remains at the end of the year, it may be used for the improvement of the system or turned into the sinking fund.

Sec. 17. Local referendum provided for; form of ballots. This act shall take effect when approved by a majority of all legal voters of the city of Auburn voting at a special meeting to be held on the second Monday in September in the year nineteen hundred and

twenty-three. Said meeting shall be called, held and conducted and the results thereof determined in the manner provided for municipal elections in said city of Auburn. The city clerk of the city of Auburn shall prepare suitable ballots upon which shall be printed the following question: "Shall the act to incorporate the Auburn Water District; enacted by the people of Maine at the eighty-first legislature in the year nineteen hundred and twenty-three, be accepted?" with the words

Yes

No

printed and arranged thereunder substantially so printed herein. The voters shall indicate their choice by a cross placed in the appropriate square.

Sec. 18. Act to take effect for purposes of election 90 days after adjournment of legislature. This act shall take effect in ninety days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the special meeting authorized in section seventeen herein.

(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

No. 2013

Legislative Document

S. P. 868

In Senate, February 19, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

MAY M. ROSS, Secretary of the Senate
Presented by Senator Traflet of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

AN ACT to Amend the Terms of the Directors
of the Auburn Water and Sewerage Districts.

Emergency preamble. Whereas, Acts of the Legislature
do not become effective until 90 days after adjournment
unless enacted as emergencies; and

Whereas, the City of Auburn desires to reduce the terms
of the trustees of the sewerage and water districts in order
to provide more accountability to the local citizens; and

Whereas, appointments are made by the city council in
March, so that any charter change must be made before then
if the next appointments are to follow the new requirements;
and

Whereas, in the judgment of the Legislature, these
facts create an emergency within the meaning of the Consti-
tution of Maine and require the following legislation as

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

STATEMENT OF FACT

This bill reduces the term of the trustee
Auburn Water District and the Auburn Sewerage District
6 years to 4 years.

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

Sec. 1. P&SL 1917, c. 193, §1, 4th sentence is amended to read:

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 thereafter be elected annually as follows in the month of March by the city council of Auburn to serve for a term of 6 4 years.

Sec. 2. P&SL 1917, c. 193, §1, as amended by P&SL 1919, c. 82, is further amended by adding after the 4th sentence a new sentence to read:

One trustee shall be appointed in 1982; one trustee shall be appointed in 1983; one trustee shall be appointed in 1984 and every 4 years thereafter; one trustee shall be appointed in 1985 and every 4 years thereafter; 2 trustees shall be appointed in 1986 and every 4 years thereafter; and 2 trustees shall be appointed in 1987 and every 4 years thereafter.

Sec. 3. P&SL 1923, c. 60, §4, 2nd sentence is amended to read:

The 6 trustees, exclusive of the mayor of the city of Auburn, 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 term of office one trustee shall thereafter be elected annually as follows in the month of March by the city council of the city of Auburn for a term of 6 4 years.

Sec. 4. P&SL 1923, c. 60, §4, is amended by adding after the 3rd sentence a new sentence to read:

One trustee shall be appointed in 1982; one trustee shall be appointed in 1983; one trustee shall be appointed in 1984 and every 4 years thereafter; one trustee shall be appointed in 1985 and every 4 years thereafter; 2 trustees shall be appointed in 1986 and every 4 years thereafter; and 2 trustees shall be appointed in 1987 and every 4 years thereafter.