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Private & Special Law

124th Legislature

First Regular Session

Chapter 8

H.P. 165 - L.D. 200

An Act To Amend the Charter of the Caribou Utilities District

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

Sec. 1. P&SL 1945, c. 83, §1 is amended to read:

Sec. 1. Territorial limits and corporate name and purposes. The inhabitants and territory within the town City of Caribou in the county County of Aroostook shall ~~be, and hereby are, constituted~~ constitute a body politic and corporate under the name of the Caribou Utilities District, referred to in this Act as "the district," for the purpose of supplying the town City of Caribou and the inhabitants of said town the city or any part of said town the city with pure water for domestic, commercial, sanitary and municipal purposes, including the extinguishment of fires, and of supplying the town City of Caribou and the inhabitants of said town the city or any part of said town the City city with suitable and adequate sewerage facilities.

Sec. 2. P&SL 1945, c. 83, §2 is amended to read:

Sec. 2. Powers of Caribou Utilities District. ~~Said Caribou Utilities District~~ The district is hereby authorized for the purposes ~~aforsaid~~ of this Act to take, collect, store, flow, use, detain, distribute and convey to the town City of Caribou or any part thereof of the city water from any lake, pond, stream; or river and from any surface or underground brook, spring or vein of water in said town the City of Caribou; and is also authorized to locate, construct and maintain aqueducts, pipes, conduits, standpipes, hydrants, pumping stations and other necessary structures and equipment ~~therefore,~~ for the aqueducts, pipes, conduits, standpipes, hydrants and pumping stations and do all things necessary to furnish water; and sewerage and drainage for public purposes and for public health, comfort and convenience of the inhabitants of said the district.

Sec. 3. P&SL 1945, c. 83, §3 is repealed and the following enacted in its place:

Sec. 3. Right of eminent domain conferred. The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for its purposes. The district is granted the right of eminent domain as specified in the Maine Revised Statutes, Title 38, section 1152 with respect to its sewer functions and is granted the right of eminent domain as specified in Title 35-A, section 6408 with respect to its water functions.

Sec. 4. P&SL 1945, c. 83, §4 is amended to read:

Sec. 4. Authorized to lay mains, pipes, conduits through public ways and across private lands. The said district is hereby authorized to lay in and through the streets, roads, ways and highways of the ~~town~~ City of Caribou and other towns served by it ~~the district~~ and across private lands ~~therein, in the city and other towns~~ and to maintain, repair and replace all such pipes, mains, conduits, aqueducts; and fixtures as may be necessary and convenient for its corporate purposes, and whenever said ~~the district shall lay~~ lays any pipes, aqueducts or conduits in any street, roadway or highway, it ~~the district~~ shall cause the same to be done with as little obstruction as practicable to the public travel; and shall at its ~~the district's~~ own expense, without unnecessary delay, cause the earth and pavement removed by it ~~the district~~ to be replaced in proper conditions.

Sec. 5. P&SL 1945, c. 83, §4-A is enacted to read:

Sec. 4-A. Sewer extensions. Sewer extensions are governed by the Maine Revised Statutes, Title 38, section 1252, subsection 7.

Sec. 6. P&SL 1945, c. 83, §5, as repealed and replaced by P&SL 1981, c. 47, §1, is repealed and the following enacted in its place:

Sec. 5. Procedure as to the exercise of right of eminent domain for sewer; appeal. In exercising rights of eminent domain with respect to its sewer functions, the district shall comply with the procedures established in the Maine Revised Statutes, Title 38, sections 1152-A, 1153 and 1154.

Sec. 7. P&SL 1945, c. 83, §6 is repealed.

Sec. 6. Appeal; adjustment of damages. If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefore, either party, upon petition to the county commissioners of Aroostook county may have said damages assessed by them; the procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions, and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 8. P&SL 1945, c. 83, §6-A is enacted to read:

Sec. 6-A. Procedure as to the exercise of right of eminent domain for water. In exercising rights of eminent domain with respect to its water functions, the district shall comply with the procedures established in the Maine Revised Statutes, Title 35-A, section 6409.

Sec. 9. P&SL 1945, c. 83, §8-A is enacted to read:

Sec. 8-A. Trustees' compensation. Trustees' compensation is governed by the Maine Revised Statutes, Title 38, section 1252, subsection 5.

Sec. 10. P&SL 1945, c. 83, §8-B is enacted to read:

Sec. 8-B. Trustees' retirement eligibility. Trustees' retirement is governed by the Maine Revised Statutes, Title 38, section 1252, subsection 6.

Sec. 11. P&SL 1945, c. 83, §11, as repealed and replaced by P&SL 1981, c. 47, §4, is repealed and the following enacted in its place:

Sec. 11. Procedures for acquisition of property and franchise of Caribou Water Works Corporation. Before exercising any right of eminent domain conferred under this Act with respect to the property of the Caribou Water Works Corporation, the district shall make a reasonable effort

to acquire the property by purchase. The district shall cause the property to be appraised for the purpose of determining the amount that could constitute just compensation for the taking of the property. The district's agents, employees or designees may, upon 30 days' written notice to the Caribou Water Works Corporation, enter upon the real property of the Caribou Water Works Corporation and make surveys, examinations, photographs, tests and samplings of the real or personal property of the Caribou Water Works Corporation for the purpose of appraising the real or personal property. The entry must take place during daylight hours. The entry and activities authorized by this Act do not constitute a trespass, but the district is liable for physical injury to, and for substantial interference with possession or use of, property of the Caribou Water Works Corporation caused by the district's entry and activities upon the property, which damages may be recovered by complaint in a civil action. The district shall establish the amount that the district believes to be just compensation for the property and shall submit to the Caribou Water Works Corporation a proposed offer to purchase the property for the amount established. Compliance by the district with this section is determined to be and constitutes a reasonable effort by the district to acquire the property by purchase.

Sec. 12. P&SL 1945, c. 83, §12, first sentence, as repealed and replaced by P&SL 1981, c. 47, §5, is amended to read:

Sec. 12. Authorized to borrow money; to issue bonds and notes. For accomplishing the purposes of this Act, the district, by vote of its board of trustees, without district vote, except as provided in this section, is authorized to borrow money temporarily and to issue ~~therefore~~ for the borrowing of money its negotiable notes; ~~and for .~~ For the purpose of renewing and refunding the indebtedness so created, or paying any necessary expenses and liabilities incurred under the provisions of this Act, and in acquiring properties, paying damages, laying pipes, mains, sewers, drains and conduits, purchasing, constructing, maintaining and operating a water system and a sewerage system and making renewals, additions, extensions and improvements to the system and to cover interest payments during any period of construction; ~~,~~ the district, by vote of its board of trustees, without district vote, except as provided in this section, is authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; ~~provided that in .~~ In the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a water system or sewerage system or part thereof of a water system or sewerage system, for renewal or additions or for other improvements in the nature of capital costs, the estimated cost of which, singly or in the aggregate included in any one financing is \$150,000 or more, subject to the annual consumer price index, as published by the appropriate governmental agency United States Department of Labor for all urban consumers, United States city average, and as defined in the Maine Revised Statutes, Title 36, section 5402, must first be approved by local referendum of the voters of the district, but not for the acquisition of the property of the Caribou Water Works Corporation provided in this Act, and not for the already-planned-for local share of sewerage treatment plant, the aggregate of both of which shall not exceed \$6,000,000 or for renewing or refunding existing indebtedness or to pay for maintenance, repairs or current expenses the district shall comply with the provisions of Title 35-A, section 6310.

Sec. 13. P&SL 1945, c. 83, §13 is amended to read:

Sec. 13. Property, tax exempt. The property of said Caribou Utilities District ~~the district~~ shall be is exempt from all taxation in the town City of Caribou.

Sec. 14. P&SL 1945, c. 83, §15, as repealed and replaced by P&SL 1981, c. 47, §6, is repealed and the following enacted in its place:

Sec. 15. Rates. All water rates, tolls, rents and charges of the district are governed by the Maine Revised Statutes, Title 35-A, chapter 3 and chapter 61. All sewer rates, tolls, rents and charges of the district are governed by Title 38, section 1202.

Sec. 15. P&SL 1945, c. 83, §16-A, as enacted by P&SL 1957, c. 7, §2, is amended to read:

Sec. 16-A. Rights of abutters to enter sewer. The district at all times shall be is bound to permit the ~~owners~~ owner or agent of premises abutting upon its ~~the district's~~ lines of pipes and conduits to enter the same with all proper sewage, upon conformity to the rules and regulations of the district and payment of the rates, tolls, rents and charges established ~~therefor~~. Every building in the district intended for human habitation or occupancy on premises abutting on a street in which there is a public sewer or any such building within 100 feet of a public sewer shall must have a sewerage system ~~which shall be caused to be connected with~~ to the public sewer by the owner or agent of the premises in the most direct manner possible, and, if feasible, with a separate connection for each house or building; ~~except that existing buildings which are already served by a satisfactory private sewage disposal system which meets and continues to meet the requirements of section 122 (b) of the state plumbing code and amendments thereto shall not be required to connect with the public sewer. Any such Exceptions to the requirement to connect to the public sewer are governed by the Maine Revised Statutes Title 38, section 1252, subsection 3. A private sewage disposal system which that is not required to connect to the public sewer pursuant to Title 38, section 1252, subsection 3 that fails to meet or continue to meet the requirements of section 122 (b) of the state plumbing code and amendments thereto to the state plumbing code is hereby declared to be a public nuisance.~~

Sec. 16. P&SL 1945, c. 83, §16-B, as enacted by P&SL 1957, c. 7, §2, is repealed and the following enacted in its place:

Sec. 16-B. Lien for payment of rates. Liens for unpaid water rates, tolls, rents or charges are governed by the Maine Revised Statutes, Title 35-A, section 6111-A. Liens for unpaid sewer rates, tolls, rents or charges are governed by Title 38, section 1208.

Effective September 12, 2009