

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
101st LEGISLATURE

HOUSE AMENDMENT "A" to H. P. 301, L. D. 409, Bill, "An Act
Providing for the Formation of Sanitary Districts."

Amend said Bill by striking out all of that part designated
paragraph "E." of subsection VII of section 3 as follows:

~~"E.-Article-----;--To-choose-(number)-of-trustees-to
represent-the-municipality-on-the-board-of-trustees-of
the-(name)--Sanitary-District;--At-any-such-town-meeting
or-city-election-trustees-shall-be-chosen-to-represent
the-municipality-in-the-manner-provided-in-section-7."~~

Further amend said Bill by striking out all of the 2nd
underlined sentence of section 4 and inserting in place thereof the
following underlined sentence:

'If the commission finds from the returns that a majority of the
residents within each of the municipalities involved, voting on
each of the articles or questions submitted to them, have voted
in the affirmative, and the municipal officers have named the
necessary trustees and the names thereof to represent each muni-
cipality, and that all other steps in the formation of the proposed
sanitary district are in order and in conformity with law, the
Water Improvement Commission shall make a finding to that effect and
record the same upon its records.'

Further amend said Bill by striking out all of the first
underlined sentence of section 6 and inserting in place thereof the
following underlined sentence:

'All of the affairs of a sanitary district shall be managed by a
board of trustees which shall consist of not less than 3 nor more
than 6 members, the exact number to be determined as set forth in
section 3.'

Further amend said Bill by striking out all of the first
underlined sentence of section 7 and inserting in place thereof
the following underlined sentence:

'Trustees shall be appointed by the municipal officers of each
municipality notwithstanding any other provision in any municipal
charter to the contrary.'

Further amend said Bill by striking out all of the 3rd
underlined sentence of section 7, which includes the table, and
inserting in place thereof the following:

'The terms shall be determined by lot in accordance with the
following table:

<u>Total number of Trustees</u>	<u>TERM</u>		
	<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>

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<u>4</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>

Further amend said Bill by striking out all of the 5th underlined sentence of section 7 and inserting in place thereof the following underlined sentence:

'The trustees shall serve their terms as determined at the organizational meeting.'

Further amend said Bill by striking out all of the 6th underlined sentence of section 7.

Further amend said Bill by striking out the first underlined sentence of the 3rd paragraph from the end of section 7 and inserting in place thereof the following underlined sentence:

'At the expiration of the terms so determined the vacancy shall be filled for a term of 3 years and the trustees shall notify the municipal officers of the municipalities within the sanitary district, 30 days before the expiration of said term, of the fact that a vacancy will occur so that the municipal officers and the respective municipalities may appoint a trustee or trustees, to fill the vacancy that will occur.'

Further amend said Bill by striking out all of the first underlined sentence of the next to the last paragraph of section 7 and inserting in place thereof the following underlined sentence:

'When a vacancy on the board of trustees occurs by reason of death, resignation or otherwise, the municipal officers of a municipality that the trustee represented shall fill the vacancy by appointing a trustee from the municipality to serve the remaining term of the trustee who has vacated his office.'

Further amend said Bill by adding after section 7 a new section to read as follows:

'Sec. 8. Reimbursement of costs to municipalities. Any municipality or municipalities which fall within a sanitary district formed under this act shall be entitled to reimbursement from said sanitary district when the sanitary district is in a position to reimburse said costs. The term "costs" as used in this section shall include but shall not be limited to the following cost of preparation of an engineering study or studies; legal costs with relation to the application and presentation of any application for the formation of a sanitary district; other engineering costs that may not be included in a study; costs for financial advice; administrative expense and such other expense as may be necessary or incident to the action of any municipality under this act.'

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Further amend said Bill by striking out all of section 14 and inserting in place thereof the following:

'Sec. 14. Appeal. If any person sustaining damages by any taking by a sanitary district under section 13 shall not agree with such district upon the sum to be paid therefor, either party may, by complaint filed in the Superior Court in the county where the land is located, proceed under the Maine rules of civil procedure to bring an action against the other to have the damages assessed for any taking. The court shall determine the same by a verdict of its jury or if all parties agree, by the court without a jury, or by a referee or referees, and shall render judgment for just compensation with interest where such is due, and for costs in favor of the parties entitled thereto.'

Further amend said Bill by striking out all of subsections I and II of section 24 and inserting in place thereof the following:

'I. Current operating expenses. To pay the current expenses of operating and maintaining the sewerage, drainage and treatment system of the district, which shall include proper depreciation charges;

II. Payment of interest. To provide for the payment of interest on the indebtedness created by the district;'

Filed by Mr. Berry of Cape Elizabeth.

Reproduced and distributed under the direction of the Clerk of the House.