

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 953

S. P. 309

In Senate, February 19, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Levine of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Creating the Kennebec Sanitary Treatment District.

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

Whereas, the communities of Waterville, Winslow, Fairfield, Benton and Vassalboro are in great need of installation of a joint sewage treatment system; and

Whereas, it is essential that maximum state and federal matching funds be available for such a project; and

Whereas, it is vital that construction of such an installation be commenced at the earliest possible opportunity in order to minimize pollution problems on the Kennebec and Sebasticook Rivers; 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. Territorial limits; name; purposes. The territory and inhabitants therein of the municipalities of Waterville, Winslow, Fairfield, Benton and Vassalboro are created a body corporate and politic under the name of "Kennebec Sanitary Treatment District" for the purpose of providing the inhabitants of said district with a system of public sewage disposal constructed, maintained and operated for the public health and welfare and for the benefit

of said residents and of the property therein in the manner and with the rights, duties and immunities hereinafter in this Act set forth. The district shall construct, maintain and operate interceptor sewers, pumping stations and treatment plants with appurtenances and facilities in connection therewith to provide for the treatment of sewage originating within the district facilities. Said municipalities and the Waterville Sewerage District shall continue to own, maintain and operate their own collector sewer and storm water systems. The district is organized for the purpose of receiving sewage collected by said towns and said sewer district systems and from any other person, firm or corporation within the district or adjacent municipality not served by the collection systems of said towns or district and treating such sewage. As used in this Act "sewage" shall include waste water from dwellings, public buildings, commercial or industrial establishments, or any combination thereof, and shall also include surface or ground water that may be present therein.

Sec. 2. Transfer of property and assets. In the event that the trustees of the district find that any of the sewer system or property or properties of said towns or Waterville Sewerage District shall be necessary to carry on the functions of the district, the trustees of the district shall request that the title to such sewer property be conveyed to the district and in that event said towns or said Waterville Sewerage District by its municipal officers or trustees, respectively, are authorized to convey such properties without payment of consideration. A fair charge may be made to the district for fee simple title to any land conveyed to it by said towns or Waterville Sewerage District.

Sec. 3. Trustees. All of the affairs of said district shall be managed by a board of 12 trustees, 5 appointed by the municipal officers of Waterville, 2 by the municipal officers of Winslow, 2 by the municipal officers of Fairfield, one by the municipal officers of Benton and one by the municipal officers of Vassalboro. Ten of these trustees at one time shall be voting trustees. The trustees from Benton and Vassalboro shall in alternate years be voting trustees, with the trustee from Benton acting as a voting trustee the first year, from Vassalboro the next year, and so on. If either Benton or Vassalboro shall not accept this Act and thereby not be entitled to a trustee, the trustee of the other town shall be a voting trustee at all times. The trustee not voting shall have the right to attend all meetings for informational purposes. The 12th trustee, who shall be a voting trustee, shall be chosen by the other voting trustees and shall live within the area of the district. If the other trustees are not able to agree upon the twelfth trustee within 60 days of the commencement of the term of the other trustees, he shall be appointed by the Chief Justice of the Supreme Judicial Court. None of said trustees shall be a town official or a member of an appointed or elected municipal board, commission or body of any kind of either community, except that the 5 trustees from Waterville shall be the 5 members of the Board of Commissioners of the Waterville Sewerage District. All terms shall be for a 3-year period. In case of a vacancy arising from death, removal from the area of the district or other cause, the respective municipal officers shall appoint a new member to fill out the unexpired term of their such appointee, and the other voting trustees or said Chief Justice shall appoint a new member to fill out the unexpired term of the 12th trustee.

Every 10 years starting in 1981 the board of trustees shall reapportion the board according to the latest Federal Census. The number of trustees may be increased, if necessary. A trustee shall represent as nearly as practicable 3,600 persons. If the trustees fail to so apportion the municipal officers of any member municipality shall petition the Chief Justice of the Supreme Judicial Court who shall then make the apportionment.

They shall organize by election from their own members of a chairman, a vice-chairman, a treasurer and a clerk and choose and employ and fix the compensation of such other necessary officers and agents who shall serve at their pleasure, and they shall adopt a corporate seal. Each trustee shall be sworn to the faithful performance of his duties.

The trustees may from time to time adopt, establish and amend bylaws consistent with the laws of the State of Maine, and necessary for their own convenience and the proper management of the affairs of the district and perform any other acts within the powers delegated to them by law.

After the original organizational meeting the trustees shall meet annually at a time determined by their bylaws for the purpose of electing from among the members a chairman, vice-chairman, treasurer and clerk to serve until the next annual election and until their successors are elected and qualified. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district. The chairman, vice-chairman, treasurer and clerk may receive such compensation for serving in these capacities as the trustees shall determine. This compensation shall be in addition to the compensation payable to them as trustees. The trustees shall make and publish an annual report including a report of the treasurer.

All trustees shall serve until their successors are elected and qualified and may receive such compensation, not exceeding \$10 per meeting, as the trustees may determine.

No member of the board of trustees shall be employed for compensation as an employee or in any other capacity by the sanitary district of which he is a trustee, except as herein provided.

Sec. 4. Powers. The district shall have the power, within the district and within the territory of any adjoining municipality, to lay pipes, drains, sewer conduits, and to take up, repair and maintain the same or to contract for the same to be done, in, along and through any public or private ways and public grounds, and in, along and through lands of any person or corporation, to and into rivers, watercourses and treatment works or to or into any drain or sewer now or hereafter built which empties into waters, rivers, watercourses and treatment works, the discharge therefrom to be at such points consistent with the requirements of public health as shall be found convenient and reasonable for said district and the flow of existing watercourses; to construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage and of storm and surface water, all as may be necessary or proper; and in general, do any or all other things necessary or incidental to accomplish the purposes of the district.

Sec. 5. Right of eminent domain. The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for its purposes, and is granted the right of eminent domain, and for such purposes is authorized to take and hold, either by exercising its rights of eminent domain or by purchase, lease or otherwise, as for public uses any land, real estate, easements or interest therein, and any sewers, drains or conduits and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, reservoirs, flush tanks, man-holes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage, and surface and waste waters.

Sec. 6. Procedure in eminent domain proceedings. When property is to be taken through the exercise of the power of eminent domain, which the district is hereby given the power of, the district shall cause to be recorded in the Registry of Deeds where the land is located a description identifying the property to be taken with reasonable accuracy and indicating the names of the owners thereof, if known, together with a notice that the same is to be taken by the district, signed by a majority of the members of the board. Copies of the notice and description shall also be sent at the same time by registered mail to all persons whose whereabouts are known having an interest of record in such property. No entry shall be made upon private lands so taken within 10 days after such recording except to make surveys. At the end of said 10-day period, title to said property shall vest in the district and possession of the same may be taken. After the expiration of said 10-day period, the district shall promptly submit in writing to the persons or corporations whose property is taken an offer in writing to pay an amount found by the board to represent fair compensation therefor. The offer of the district as to the amount of damages due shall be final and binding upon all parties having an interest in the property unless, within 60 days from the date on which such offer is made, an appeal is taken from the district's determination of damages to the Superior Court of the county where the land is located. Such appeal shall be taken in the manner prescribed by Rule 80-B of the Maine Rules of Civil Procedure and any amendments thereto, except in those respects in which proceedings under the rule would be inconsistent with the express provisions of this Act. In the event of such appeal, any person having an interest in the property to be taken may petition any Justice of the Superior or Supreme Judicial Court to order that the district furnish security to be deposited with the clerk of the Superior Court in an amount found to represent the value of such person's interest. Such judge or justice may hear such evidence as he may require to reach an initial determination of the value of such interest. The amount so deposited may be used to satisfy any judgment recovered against the district, the excess, if any, to be returned to the district.

Sec. 7. Crossing other public utilities. If any sewer line of the district is to cross the property or line of any other public utility, unless consent is given by such other public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by the 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. Nothing herein contained shall be construed as authorizing the district to take by right of eminent domain any of the property or facilities of any other public utility used, or acquired for future use by the owner thereof, and in the performance of a public duty unless expressly authorized by special Act of the Legislature.

Sec. 8. Power to contract. The district is authorized to contract with any person or corporation, district, municipal or quasi-municipal corporations, and with the State of Maine and the United States of America or any agency thereof to provide for the treatment and disposal of sewage collected by and transported through the district's sewerage system and through the sewerage system or facilities of any such person, corporation, district, municipal or quasi-municipal corporation or other governmental agency and every other district, municipal or quasi-municipal corporation or state agency is authorized to contract with the district and with respect to the collection, transportation, treatment and disposal of sewage and for said purposes or any of them any such district, municipal or quasi-municipal corporation may raise and expend money.

Without limiting the generality of the foregoing provisions of this section, any person or corporation other than a municipal or quasi-municipal corporation, may enter into an agreement pursuant to which the district as part of a project of its own or separately, will construct facilities for the purpose of pretreating and transporting to the district's treatment facilities, either directly or through the sewerage system of another municipal or quasi-municipal corporation, sewage from or for the benefit of such person or corporation, herein sometimes called a "private user", and to finance the cost of such construction provided, however, that any such agreement shall provide that before any such construction or financing thereof is undertaken by the district, such private user or users shall have paid to the district or made provisions for the payment to the district of, said private user's or users' fair share of the unfunded capital and financing costs of such construction or financing, as defined in section 15, and that if and to the extent the fair share of the costs of operating such facilities constructed for the private user or users will not be included in rates, tolls, rents or other charges payable to said towns or Waterville Sewerage District, such private user or users shall pay the same to the district. For purposes of any such agreement the fair share of any unfunded capital or financing costs may be estimated by the trustees of the district subject to adjustment after such costs are finally determinable and the agreement shall provide that such financing costs as consist of interest on debt issued by the district shall not be less than the interest paid by the district on any bonds or notes issued to finance the costs of such construction.

Any such agreement shall state the basis of the determination of the fair share of unfunded capital and financing costs and costs of operation which determination may be based on the ratio of flow or organic content of the sewerage, or both, or such other method as the trustees shall determine to be equitable.

Sec. 9. Conditions for carrying out work. When the district shall enter, dig up or excavate any public way or other land for the purpose of laying its sewers, drains or pipes, constructing manholes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work shall be done expeditiously, and on completion of the work the district shall restore said way or land to the condition it was in prior to such work, or to a condition equally as good. Whenever the character of the work is such as to endanger travel on any public way, the municipal officers of the municipality in which the work is being done may order a temporary closing of such way, and of any intersecting way, upon request of said district, and the way shall remain closed to public travel until such municipal officers deem it restored to a condition safe for traffic.

Sec. 10. Right to inspect; rules and regulations; injunctive relief. The officers or agents of the district shall have the right to enter all premises from which any sewer or drain is connected with any part of the districts' facilities or with any sewage system connecting with the facilities of the district, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quantity and character of sewage discharged and manner of discharge; and to enforce the provisions of this Act and the rules and regulations prescribed by the trustees of the district.

The trustees shall adopt reasonable rules and regulations relative to its sewage treatment, including without limitation, regulations as to the quantity and character of any sewage, drainage or other wastes discharged into any sewage system connecting with its sewage treatment but the regulations shall at least meet the minimum standards prescribed by the Environmental Improvement Commission. Rules and regulations adopted by the trustees shall be published, from time to time, in suitable form and be available for distribution to interested persons.

The trustees may require industrial pretreatment of wastes discharged into its sewage treatment or into any system connecting with it if the trustees determine such wastes may interfere with or cause damage to its sewage treatment.

In addition to any other remedy, the Superior Court shall have jurisdiction upon a complaint filed by the district to restrain or enjoin any person, firm, corporation or municipality from committing any act which may damage or impair its sewage treatment or which is prohibited by any rule or regulation of the district. The district may seek the injunction as provided in this section without first resorting to any other form of proceedings or procedure.

Sec. 11. Property tax exempt. Wherever located, the property, both real and personal, rights and franchises, used in connection with its sewage treatment shall be exempt from taxation.

Sec. 12. Injury to property of district. Any person who shall place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of the district contrary to its regulations,

or shall willfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district shall be liable to pay twice the amount of the damages to the district, to be recovered in any proper action; and such person, on conviction of any of said acts or willful injury aforesaid and any person who violates section 10 shall be punished by a fine of not more than \$200 or by imprisonment for not more than one year, or by both.

Sec. 13. Authorized to borrow money. The district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time bonds or notes of the district to pay for: The costs of capital outlay incurred by the district in connection with accomplishing its purposes, including any necessary expenses and liabilities in acquiring properties, renovating properties, laying pipes, conduits, drains, interceptor lines, trunk sewers, construction of treatment plants, laboratories and other waste water and sewage facilities and also including organizational expenses and liabilities incurred or owed by the district and payment to or for the benefit of said towns or Waterville Sewerage District for expenses or liabilities made or incurred by said towns or district for organizing the district; purchasing design plans and specifications for the initial interceptor sewers, force mains, pumping stations and treatment facilities and other engineering expenses and costs which the said Towns and Waterville Sewerage District have incurred; renewals, additions, replacements, extensions and improvements to the district's properties; interest during the period of construction and for a period not exceeding one year thereafter; and the establishment of a reasonable reserve for future payments of debt service on district debt which reserves shall not exceed for any issue of serial bonds or notes, the amount of interest and principal payable on account of such issue averaged for each year except the last in which principal of such issue is payable. Said bonds or notes shall be issued in such amount or amounts as the district, acting through its trustees and without vote of its inhabitants, may determine. Said bonds or notes shall be issued to mature serially, in annual installments, which for each issue shall not be less than 2½% of the principal amount of said issue, the first of which shall be payable not later than 3 years from the date of such bonds or notes and the last of which shall be payable not later than 40 years from said date, as the trustees shall determine. Said bonds or notes may also be issued for a term of years not exceeding 40 years or in a combination to mature serially and for a term of years not exceeding 40 years, all as the trustees shall determine.

In the event term bonds or notes are issued the trustees shall establish a sinking fund to retire or assist in retiring each issue of said bonds or notes at or before maturity and shall provide for payments to be made to said sinking fund beginning not later than the 3rd year following the date of said bonds which shall be a sum equal to not less than 2½% of the principal amount of any term bonds or notes or in the case of any issue which combines bond or note and term bonds, not less than 2½% in each year in which no installment of principal is payable. Payments to the sinking fund shall be kept together with any earnings thereon to provide for the extinguishment of said term bonds or notes. The money set aside in a sinking fund shall be devoted to the

retirement of the obligations of the district and meanwhile may be invested in such securities as savings banks in the State of Maine are now or hereafter allowed to hold. Said bonds or notes may be callable with or without premium. Said bonds or notes shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, at public or private sale, at par, at a discount or at a premium, all as the trustees shall determine. The district may issue its bonds or notes from time to time in one or in separate series. All bonds or notes shall have inscribed upon their face "Kennebec Sanitary Treatment District" and "Sewer Bond" or "Sewer Note", as the case may be and shall be executed as the board of trustees shall determine.

If the trustees vote to issue bonds or notes, the trustees may authorize the issuance, in the name of the district, of temporary notes for a period of not more than 3 years in anticipation of the money to be received from the sale of such bonds or notes. The time within which such temporary notes shall be payable need not be included in determining the period for which sewer bonds or notes may be issued. The district may refund its bonds or notes but the total period of any such refunded issue plus the refunding issue shall not exceed 50 years.

For the purpose of paying expenses of operation, including without limitation, any principal or interest due or about to become due on any bond or note issued by the district for which funds are not then available, the district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time temporary notes of the district in anticipation of revenue to be received by the district within the fiscal year in which such temporary notes are issued from amounts apportioned to said towns, or the Waterville Sewerage District as provided in section 16 and from sums due or to be due the district under agreements with users under section 8. Temporary notes in anticipation of revenue shall be payable not more than one year from their date and shall not exceed in principal amount the amount of the revenue in anticipation of which they are issued as determined by the trustees. In the event such temporary notes are issued before such apportionments to said towns and Waterville Sewerage District for that year have been certified, the principal amount of such notes may not exceed the estimated amount of such apportionments as determined by the trustees. Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issue of other temporary notes maturing within the required period provided that the period from the date of issue of the original temporary note to the date of maturity of the renewal note shall not exceed the maximum period for which the original temporary note may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at, or on and before maturity.

All bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053, and all provisions of said section shall be applicable thereto. All bonds, notes and evidences of indebtedness issued by said district pursuant to this Act shall be legal investments for savings banks in the State of

Maine, and shall be tax exempt.

Unless and until such time as a governmental agency of the State of Maine shall be given general jurisdiction to oversee the borrowing activities of sewer and sanitary districts, the district is authorized to issue its bonds and notes pursuant to this Act without the approval of any governmental agency but the district shall thereafter be governed by the provisions of such general legislation so far as applicable.

Sec. 14. Governmental grants and loans. The district is authorized to enter into agreements with federal, state and local governments or any agency thereof, or any corporation, commission or board authorized by federal, state or local governments to grant or loan money to or otherwise assist in the financing of projects for accomplishing the purposes of this Act and to accept grants and borrow money from any such government, agency, corporation, commission or board as may be necessary or desirable for the purposes of this Act.

Sec. 15. Determination of annual apportionable costs. The fiscal year of the district shall be the calendar year, and the trustees shall, prior to January 15th of each year following the acceptance of this Act determine the total anticipated sums necessary to provide for the operation and maintenance of the district and its facilities for the year and adopt a budget for that year. The district trustees shall also determine the portion of the total sums to be raised for the calendar year, the amounts to be apportioned to said towns and the Waterville Sewerage District.

Said total anticipated sums necessary for the operation and maintenance shall be the total of sums required in any year for unfunded capital costs and financing costs plus costs of operation less funds on hand or in the judgment of the trustees to be received during said year from other than said towns and Waterville Sewerage District and available or to be available within said year to pay unfunded capital costs and financing costs or operating costs, as the case may be. As used in this Act the following terms shall have the following meanings: Unfunded capital costs and financing costs for any year shall include:

1. Capital outlay items the cost of which is not to be paid from proceeds of bonds or notes, other than notes in anticipation of revenue, or paid from the proceeds of a government grant or other donation;

2. Interest due and payable in such year or indebtedness created or assumed by the district or expected to be created or assumed by the district, exclusive of interest on temporary notes in anticipation of revenue;

3. Principal due and payable in such year on indebtedness created or assumed by the district and not to be refunded and for the payment of which funds are not in the judgment of the trustees otherwise to be available; and

4. Sinking fund payments.

“Operating costs” or “costs of operations” for any year shall include:

1. The current expenses of operating, maintaining and repairing the district’s facilities and properties, interest on notes issued in anticipation of

revenue and all other expenses not otherwise specifically provided herein; and

2. Any deficit outstanding at the end of the prior calendar year for the payment of which funds are not, or in the judgment of the trustees will not be available in such calendar year.

If a surplus exists at the end of a calendar year, it may be transferred to a surplus account which shall not exceed \$25,000 or 3% of the total sum apportioned in the prior calendar year to said towns and Waterville Sewerage District, whichever is the larger. The trustees may add to the sinking fund, if any, so much of any excess over said limitations as they determine advisable, and any remainder shall be credited on an equitable basis against sums otherwise to be apportioned to said towns, the Waterville Sewerage District and any persons, firms or corporations other than said towns and sewer district under contract to pay for the use of the district's facilities during the year as at the end of which such surplus was created.

Sec. 16. Apportionment of annual costs; annual apportionments; obligation to pay same. The trustees shall annually apportion the amount determined under section 15 between said towns and the Waterville Sewerage District, sometimes referred to as public users, on the following basis:

1. Unfunded capital costs and financing costs shall be apportioned in the ratio of the percentage of use capability of the district's facilities as between said towns and Waterville Sewerage District, and

2. Operating costs shall be apportioned according to the estimated use of the district's facilities to be made by said towns and Waterville Sewerage District until such facilities have been in operation for one calendar year as determined by the trustees. Such apportionment of unfunded capital costs and financing shall be based on engineering estimates to be prepared for the trustees of the use capability of the initial facilities, and of such additional facilities as may from time to time be installed. When such facilities shall have been in operation for a calendar year, the apportionment of operating costs thereafter shall be based upon the measured flow of waste water and sewage entering such facilities during the previous year from each public user after deducting the measured flow of waste water and sewerage from any private user which enters the sewage system of a public user in order to reach the district's treatment facilities.

Any public user claiming to be aggrieved by an apportionment shall, within 60 days from receipt of said apportionment, commence an action in the Superior Court of Kennebec County requesting the review of said apportionment or any part thereof. The Superior Court shall hear and determine the cause and shall be authorized to enter such judgments and orders, including the power to remand for further findings, as it shall deem appropriate.

The court may appoint a committee of one or 3 disinterested persons who, having been sworn, shall give such notice as designated by the court, shall hear the parties and shall make a report to the court as soon as practicable, whether the apportionment of the trustees should be in whole or in part af-

firmed or reversed, which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the district.

Notwithstanding the above 2 paragraphs, if the Public Utilities Commission or any other governmental agency of the State of Maine shall be given general jurisdiction to oversee sewer companies or utilities, then thereafter any participating municipality claiming to be aggrieved by an apportionment shall, within 60 days from receipt of said apportionment, petition such commission or agency requesting the review of said apportionment or any part thereof. Such commission or agency shall hear and determine the cause and shall be authorized to enter such orders as it shall deem appropriate, which orders shall be forthwith certified to the clerk of the district.

A public user requesting review of any apportioned share shall, nevertheless, remain obligated to pay and shall pay its said apportioned share in full within the prescribed times. If the court, commission or agency orders an adjustment in said apportioned share it shall also prescribe the manner and method by which such adjustment shall be made.

The amount so apportioned for each public user shall prior to February 1st in each year, be certified by the trustees to the assessors of said towns and the commissioners of Waterville Sewerage District. The assessors of said towns without further vote shall include the amount so certified in those amounts to be annually raised by municipal tax or assessment. The commissioners of Waterville Sewerage District shall include the amount so certified as a current expense which shall be paid from the sewer rates fixed pursuant to the private and special laws of 1949, chapter 211 and any amendments thereto. The respective treasurers of said towns and district shall pay the amount so certified to the treasurer of the district in 4 substantially equal installments on or before March 1st, June 1st, September 1st and December 1st of that year.

Said towns may raise all or a portion of the amounts certified annually by the district through equitable and proportional charges against its inhabitants, corporations and other users of its sewerage system and said towns and Waterville Sewerage District shall have in addition to any other authority granted by law, the same authority and power with respect to the collection of sewer rents, fees and charges as are granted by the Revised Statutes, Title 38, section 1208 to treasurers of sanitary sewer districts with respect to rates established and due under Title 38, section 1202.

Sec. 17. Rates. Said towns and Waterville Sewerage District shall pay for services provided by the district through the payment of their apportioned shares under section 16.

All other persons, firms and corporations, whether public, private or municipal or quasi-municipal, shall pay to the treasurer of the district the rates, tolls, rents, entrance charges and other lawful charges established by the trustees for the sewerage, treatment or drainage service used or available with respect to their real estate or system.

Rates, tolls, rents and entrance charges by the district, said towns and the Waterville Sewerage District shall be uniform within their respective terri-

tories except as provided in this section. Notwithstanding the foregoing sentence, the municipal officers of said towns, the commissioners of Waterville Sewerage District and the trustees of the district, as the case may be, may establish rates, tolls, rents or entrance charges higher than the regular rates, tolls, rents and entrance charges otherwise applicable whenever the cost of installation or maintenance of sewers or their appurtenances or the cost of service is or is expected to be substantially higher for a particular section or area the boundaries of which shall be established after a public hearing, notice of which shall be published at least 2 times in a newspaper having a circulation in the district, the first such publication to be not later than 14 days before the date of the hearing and the last such publication to be not later than 5 days before said date. In order to recover such portion or all of such higher cost of construction or maintenance, or the cost of service, said municipal officers, commissioners of the Waterville Sewerage District or trustees of the district, as the case may be, shall first determine the added costs which are fairly allocable to such section or area and the reasons therefor. Any such higher rates, tolls, rents and entrance charges shall be uniform throughout the sections or areas where they apply. Any person, firm or corporation receiving any such rate, toll, rent or entrance charge and deeming the same illegal or arbitrary may within 30 days of receipt thereof have the same reviewed by the Public Utilities Commission, whose decision may be appealed to the Supreme Judicial Court. The provisions of the Revised Statutes, Title 35, chapter 15, shall so far as apt be applicable to such review or appeal.

Sec. 18. Collection of unpaid rates. There shall be a lien on real estate served or benefited by the sewers or sewerage treatment facilities of the district to secure the payment of rates, tolls, rents and entrance charges, established pursuant to authority of section 17 or any other lawful authority and payments due to the district under any agreement with a user under section 9. Said lien shall take precedence over all other claims on such real estate, excepting only claims for taxes.

The treasurer of the district shall have full and complete authority and power to collect said rates, tolls, rents, other charges and payments due. The treasurer may, after demand for payment, sue in a civil action for any rate, toll, rent, or other charge or payment due remaining unpaid in any court of competent jurisdiction. Such action shall be brought in the name of the district. In addition to other methods established by law for the collection of said rates, tolls, rents, other charges and payments due, and without waiver of the right to sue for the same as aforesaid, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent, or other charge or payment due has been committed to him for collection, may, after the expiration of 3 months and within one year after date when the same became due and payable, in the case of a person resident in the district, give, or cause to be given to such person, or leave or cause to be left, at his last and usual place of abode, a notice in writing signed by said treasurer stating the amount of such rate, toll, rent or other charge, describing the real estate upon which the lien is claimed, and stating that a lien is claimed on said real estate to secure the payment of said rate, toll, rent, other charge

or payment due and demanding within 30 days after the service of such notice payment as aforesaid. In the case of a nonresident the aforesaid notice shall be given by registered or certified mail addressed to his last known address or by publication in a newspaper of general circulation within the district once a week for two successive weeks, and shall demand payment within 30 days after the mailing thereof or the first publication of notice thereof as aforesaid. After the expiration of said period of 30 days and within one year thereafter, said treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by him setting forth the amount of such rate, toll, rent, other charge or payment due, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of said rate, toll, rent, other charge or payment due and that a notice and demand for payment of the same has been given or made in accordance with this section and stating further that such rate, toll, rent, other charge or payment due remains unpaid. At the time of the recording of any such certificate in the registry of deeds as heretofore provided, said treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by registered or certified mail to each record holder of any mortgage on said real estate, addressed to such record holder at his last and usual place of abode. The fee to be charged by the district to the rate payer for such notice and filing shall not exceed \$3 plus the recording fee.

The filing of the aforesaid certificate in the registry of deeds as aforesaid shall be deemed to create, and shall create, a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments, and claims for taxes, and shall give to the district all the rights usually possessed by mortgagees, except that the district, as mortgagee shall not have any right to possession of said real estate until the right of redemption hereinafter provided for shall have expired. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as herein provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage hereby provided for. In the event that said rate, toll, rent, other charge, or payment due, with interest and costs as aforesaid, shall be paid within the period of redemption herein provided for, the treasurer of the district shall discharge the mortgage in the manner as provided for discharge of real estate mortgages.

The owner losing his real estate pursuant to such lien may recover from the town or Waterville Sewerage District having the obligation to pay said rate, toll, rent, charge or payment due.

Sec. 19. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the purposes of the district are granted to the district and its trustees, including the right of its trustees to determine when and where sewerage and treatment facilities and disposal units are needed and when and where the same shall be constructed.

Sec. 20. P. & S. L., 1949, c. 211, § 1, amended. Section 1 of chapter 211 of the private and special laws of 1949 is amended by adding at the end the following sentence:

The district is relieved of the duty and responsibility to provide for treatment of sewage except as provided under the Act creating the Kennebec Sanitary Treatment District.

Sec. 21. P. & S. L., 1949, c. 211, § 10, sub-§ I-A, additional. Section 10 of chapter 211 of the private and special laws of 1949, as amended, is further amended by adding a new subsection I-A, to read as follows:

I-A. To pay the district's apportioned share of costs and expenses of the Kennebec Sanitary Treatment District.

Emergency clause; effective date; referendum, certificate to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the towns of Fairfield, Benton and Vassalboro and to the city council of Waterville and town council of Winslow, at regular or special meetings called and held for the purpose. Such town meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided that the registrars of voters shall not be required to prepare, nor the town clerks to post, new lists of voters, and for the purpose of registration of voters said registrars of voters shall be in session on the secular day next preceding said special meetings.

The municipal clerks shall reduce the subject matter of this Act to the following question: "Shall the Act Creating the Kennebec Sanitary Treatment District, passed by the 105th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon acceptance by at least four of said municipalities; but only if the total number of votes cast for and against the acceptance of this Act at each of said town meetings so accepting equaled or exceeded 15% of the total vote for all candidates for Governor cast in said towns at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any such meetings shall not prevent a subsequent meeting or meetings to be held for said purpose on or before January 1, 1973. The result of the votes shall be declared by the municipal officers of the towns and due certificate thereof shall be filed by the town clerks with the Secretary of State.

If this Act takes effect by the acceptance of four of said municipalities and one rejects the same, the district shall not include the territory and inhabitants of said municipality and said municipality shall have no right to be represented by a trustee on the board nor be entitled to the benefits hereof. It shall, however, have all the rights as though it had originally accepted this Act if it does so accept this Act before January 1, 1973.

STATEMENT OF FACTS

The purpose of this bill is to establish a sanitary district to build an interceptor and treatment plant system with necessary appurtenances in order to help alleviate pollution on the Kennebec and Sebasticook Rivers by treating in the most economical manner the effluent from existing sewage collection systems serving the inhabitants of the towns of Waterville, Winslow, Fairfield, Benton and Vassalboro and also treating industrial and commercial waste for which no sewerage system is now available.