

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 783

H. P. 508

House of Representatives, January 25, 1961

The Speaker laid before the House and on Motion of Mr. Haughn of Bridgton referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Sewage Treatment Plant for City of Saco.

Emergency preamble. Whereas, the Water Improvement Commission of the State has ordered the City of Saco to take appropriate action to refrain from discharging untreated sewage into Bear Brook; and

Whereas, in order to correct this situation the City of Saco proposes to construct, equip, maintain and operate a sewage treatment plant for the treatment and disposal of sewage; and

Whereas, the estimated cost of constructing and equipping such sewage treatment plant is \$90,000, of which \$45,000 must be provided by the City of Saco and \$45,000 is available from the Federal and State Governments as matching grants; and

Whereas, the federal grant of funds for this purpose is conditional upon construction of such sewage treatment plant being commenced not later than April 1, 1961; and

Whereas, the city charter should be amended to clarify the right of the City of Saco to construct, equip, maintain and operate such a sewage treatment plant; 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. 177, Art. IV, § 20, repealed and replaced. Section 20 of Article IV of chapter 177 of the private and special laws of 1953 is repealed and the following enacted in place thereof:

‘Sec. 20. Drains and sewers. The city council of said city may lay out, make, maintain and repair all main drains or common sewers in said city, and the mayor and city council may assess upon the owners of the abutting lots and others benefited thereby, and who shall enter the same directly or indirectly, a proportional part of the charge of making and keeping in repair such main drain or common sewer, to be ascertained and assessed by the mayor and city council of said city and by them certified, after notice thereof given in writing to the party to be charged, or by advertisement for 7 days in at least one newspaper in said city; but not less than $\frac{1}{3}$ of the cost of making and repairing such main drain or common sewer shall be paid by the city, and not more than $\frac{2}{3}$ of the same shall be charged to the abutters; and in case the mayor and city council shall adjudge any lot of land, situated so as to be connected with any main drain or common sewer so constructed, to require drainage in order to preserve or promote the health or welfare of the city, it shall be competent for them to give reasonable notice thereof to the owner of such lot, who shall cause the same to be drained, and assess the cost of such drainage upon the owner of such lot. If the owner of any lot thus directed to be drained deems such order unreasonable, he may appeal to the county commissioners, and their decision in such cases shall be final; and the cost of such appeal shall be borne by the party making the appeal if the order of the city council is sustained, otherwise by the city. All assessments made under this section shall constitute a lien on the real estate so assessed for 2 years after they are laid. They shall be certified by the mayor and city council, under their hands, to the treasurer and collector of said city and his successors, with directions to collect the same according to law, and may, with all incidental costs and expenses, be levied by sale of the real estate, by him or them, if the assessment is not paid within 3 months after a written demand of payment made by him or them, either upon the persons assessed or their agent, or in case neither can be found in said city upon any person occupying the estate, such sale to be conducted in like manner as sales for nonpayment of taxes on land of resident owners, and with a similar right of redemption. Any person, who may feel himself aggrieved by any such assessment, may appeal to the county commissioners and their decision as to the sum which the appellant should pay shall be final; and in case the assessment made as aforesaid shall not be reduced on such appeal, the city shall recover costs, but otherwise shall pay costs. Any person who shall directly or indirectly enter such main drain or common sewer, without first obtaining a permit from the mayor thereof, shall be subject to a fine not exceeding \$100.

The City of Saco is authorized to construct, maintain and operate a plant or plants for the treatment and disposal of sewage and waste, and generally to provide a system of sanitary sewage and waste disposal for public purposes.’

Sec. 2. P. & S. L., 1953, c. 177, Art. X, § 7, amended. Section 7 of Article X of chapter 177 of the private and special laws of 1953 is amended to read as follows:

Sec. 7. Priority of certain acts. The rights, duties and liabilities conferred under an act relating to the “Board of Police and Fire commissioners” ~~and an~~

~~act relating to the "Saco Sanitary District"~~ shall, upon passage by the 96th Legislature and an affirmative vote of the people of the City of Saco at a referendum, supersede and with priority over sections in this charter which may conflict therewith.

Sec. 3. Council order validated. The order passed by the city council of the City of Saco in November, 1960, providing for the issue and sale of \$45,000 principal amount of serial bonds to provide funds for the construction and equipment of a sewage treatment plant, which order was ratified and approved by vote of the inhabitants of the City of Saco at a referendum in the general municipal election in December, 1960, be and the same is validated and confirmed in all respects, and the issue and sale of such bonds for such purpose pursuant to said order is authorized.

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