

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 856

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H. P. 614

House of Representatives, February 14, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Fuller of York by request.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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AN ACT to Amend the Charter of the York Sewer District.

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

**Sec. 1. P. & S. L., 1951, c. 63, § 1, repealed and replaced.** Section 1 of chapter 63 of the private and special laws of 1951 is repealed and the following enacted in place thereof:

**Sec. 1. Territorial limits; corporate name; purposes.** The territorial limits of the Town of York and the people within the same limits are hereby made and declared to be a public sewerage district and a quasi-municipal corporation under the name of "York Sewer District" and shall be a system of public sewerage constructed, maintained and operated for the public health and welfare and for the benefit of said inhabitants and of the property therein served by said sewerage facility, in the manner, with the rights, duties and immunities hereinafter in this Act set forth.

**Sec. 2. P. & S. L., 1951, c. 63, § 3, repealed and replaced.** Section 3 of chapter 63 of the private and special laws of 1951, as amended by section 1 of chapter 70 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

**Sec. 3. Election of trustees; term of office; meetings; bylaws; compensation; annual reports.** All the affairs of said district shall be managed by a board of trustees composed of 5 members who shall be residents of the Town of York and elected as hereinafter provided. The trustees of said district holding office at the effective date of this section shall continue to hold office until the annual town meeting of the inhabitants of the Town of York next following the expiration of the current term of office of each such trustee. At the annual town meet-

ing of the inhabitants of the Town of York to be held in the year 1969, and at each annual town meeting thereafter, said inhabitants shall choose a trustee of said district for a term of 5 years. Said trustees shall be nominated and elected under the same procedure as provided for the selectmen of said town. In the event a vacancy arises in the membership of the board of trustees, the unexpired term of the vacant office shall be filled by the board of selectmen. All trustees shall be eligible to reelection, but no person holding the office of road commissioner or selectman in the Town of York shall be eligible to nomination or election as trustee.

After each annual town meeting of the inhabitants of the Town of York, the trustees shall organize by the election of a president and clerk. Said trustees may adopt a corporate seal, and, when necessary, may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. They may also ordain and establish such bylaws as are necessary for their own convenience and the proper management of the affairs of the districts. Said trustees may procure an office and incur such expenses as may be necessary. The trustees, as such, shall receive such compensation, not in excess of \$300 per year, as they may determine; but the treasurer may be allowed such additional compensation as the trustees shall determine. At the close of each fiscal year, the trustees shall make a detailed report of their doings, of the receipts and expenditures of said sewer district, of its financial and physical condition and of such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust, such report to be made and filed with said municipal officers.

**Sec. 3. P. & S. L., 1951, c. 63, § 16, amended.** The first sentence of section 16 of chapter 63 of the private and special laws of 1951, as amended by section 2 of chapter 70 of the private and special laws of 1955, is further amended to read as follows: For accomplishing the purposes of this Act, said district, by resolution of its board of trustees, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities: and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, extensions, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, said York Sewer District, by resolution of its board of trustees, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in an amount or amounts at such rates of interest and on such terms and conditions as the trustees shall determine; provided, however, that the total outstanding indebtedness of said district shall at no time exceed the sum of ~~\$800,000~~ \$1,000,000.

**Sec. 4. P. & S. L., 1951, c. 63, § 16, amended.** The last sentence of section 16 of chapter 63 of the private and special laws of 1951 is amended to read as follows:

All bonds, notes or other evidences of indebtedness issued by said district shall be a legal investment for savings banks in the State of Maine and shall be tax exempt.

**Sec. 5. P. & S. L., 1951, c. 63, § 19, amended.** The 3rd sentence of the 3rd paragraph of section 19 of chapter 63 of the private and special laws of 1951, as repealed and replaced by section 5 of chapter 70 of the private and special laws of 1955, is amended to read as follows:

In the case of a nonresident of the district the aforesaid notice shall be given by ~~registered~~ certified mail addressed to his last known address or by publication in a newspaper of general circulation within the district once a week for 2 successive weeks, and shall demand payment within 30 days after the mailing thereof or the first publication of notice thereof as aforesaid.

**Sec. 6. P. & S. L., 1951, c. 63, § 22, repealed and replaced.** Section 22 of chapter 63 of the private and special laws of 1951, as renumbered by section 7 of chapter 70 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

**Sec. 22. Ratification of amendments.** At the annual town meeting of the inhabitants of the Town of York to be held in the year 1968, the town clerk shall reduce the subject matter of the foregoing amendments to the following question on a written ballot in the following form:

#### ‘FORM OF BALLOT

Place a cross (×) or a check mark (✓) in the square set forth below to indicate your opinion on the question. You may mark only one square. If you mark more than one square, your ballot will not be counted.

“Shall the provisions of an Act entitled, ‘An Act to Amend the Charter of the York Sewer District,’ as passed by the 103rd Legislature, be ratified?”

Yes                       No

The inhabitants of the Town of York shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open meeting and if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the result shall be declared by the selectmen and due certification thereof filed by the town clerk with the Secretary of State.’

Acceptance of the aforementioned amendments by an affirmative vote of the inhabitants of the Town of York shall render the aforesaid amendments immediately effective as law and shall subject all property in the Town of York to existing liens, mortgages and encumbrances arising out of the existing indebtedness of said district, and being the liens, mortgages and encumbrances heretofore applicable only to that property within the limits of said district prior to acceptance of the foregoing amendments.

**Sec. 7. P. & S. L., 1951, c. 63, § 23, additional.** Chapter 63 of the private and special laws of 1951, as amended by section 7 of chapter 70 of the private and

special laws of 1955, is further amended by adding a new section 23, to read as follows:

**Sec. 23. Municipal assistance.** When the selectmen of the Town of York shall determine that the health and welfare of the inhabitants of said town require municipal contribution to the expense of operating the facilities of said district and of refunding the indebtedness of said district, said selectmen may negotiate contracts with the trustees of said district to provide for annual payments by the municipality of a fixed percentage of the expense of operating said district and of refunding the indebtedness of said district for a period not to exceed 20 years. Any contract shall become effective upon ratification by a majority of the voters of said town at an annual town meeting. The York Beach Village Corporation and the York Harbor Corporation shall pay their proportionate share of such percentage based upon the assessed valuation of the property located within the boundaries of said corporations.