

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1763

H. P. 1407 House of Representatives, January 6, 1970
Committee on Legal Affairs suggested.
Presented by Mr. Dam of Skowhegan.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT Relating to Issuing Bonds for Revenue-Producing
Municipal Facilities.**

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

Sec. 1. R. S., T. 30, § 1901, sub-§ 2, amended. The last sentence of subsection 2 of section 1901 of Title 30 of the Revised Statutes is amended to read as follows:

Any obligation or expenses incurred by the municipality in connection with any of the foregoing items of cost, **including the payment in whole or in part of indebtedness incurred to pay such obligations or expenses and interest thereon**, may be regarded as a part of such cost and reimbursed to the municipality out of the proceeds of revenue bonds issued under chapters 201 to 213, 223, 235 and 239 to 245.

Sec. 2. R. S., T. 30, § 1901, sub-§ 1, repealed and replaced. Subsection one of section 1901 of Title 30 of the Revised Statutes, as repealed and replaced by section 1 of chapter 152 of the public laws of 1969, is repealed and the following enacted in place thereof:

1. Airport. "Airport" means and includes any area of land or interest therein, structures or portions thereof, and improvements thereof or water which is used, intended for or useful in connection with any public airport, heliport or other location for the landing or taking off of aircraft, and facilities incident to the operation of such properties including without limitation runways, hangars, parking areas for aircraft or vehicles, access roads, wharfs, control towers, communication equipment, weather stations, safety equipment, terminal facilities for aircraft and land vehicles, facilities

for servicing aircraft and for the sale of oil, gasoline, other fuels and other accessories, waiting rooms, lockers, space for concessions, offices, and all facilities appurtenant to and all property rights, air rights, easements and interests relating thereto deemed necessary for the construction or operation thereof.

Sec. 3. R. S., T. 30, § 1901-A, amended. Section 1901-A of Title 30 of the Revised Statutes, as enacted by section 4 of chapter 429 of the public laws of 1967, is amended to read as follows:

§ 1901-A. Declaration of public necessity

It is determined and declared that maintenance and improvement of safe and pure water supplies and control of water pollution are necessary to the health, safety and general welfare of the public, and that the people of this State require new and improved water and sewer systems in order to avoid the menace to health of the public and damage to the economy created by impure water and untreated sewage; that the free circulation of traffic of all kinds through the streets of the municipalities of this State is necessary for the rapid and effective fighting of fires and disposition of police forces in said municipalities to the health, safety and general welfare of the public, whether residing in said municipalities or traveling to, through or from said municipalities in the course of lawful pursuits; that in recent years the parking of motor vehicles of all kinds has so substantially impeded such free circulation of traffic as to constitute at the present time a public nuisance endangering the health, safety and welfare of the general public, as well as endangering the economic life of said municipalities; and that such traffic congestion cannot be adequately abated except by provisions for sufficient off-street parking facilities; **that the establishment and improvement of safe municipal airports are necessary for the health, safety and general welfare of the public and that the people of this State require new and improved public airports and related facilities in order to avoid and reduce the hazards of air transportation and damage to the economy created by inadequate, unsafe and obsolete airports and airport facilities;** and that the enactment of laws to carry out the intent and purpose of this section is therefore a public necessity.

Sec. 4. R. S., T. 30, § 4251, sub-§ 10, amended. Subsection 10 of section 4251 of Title 30 of the Revised Statutes, as enacted by section 5 of chapter 429 of the public laws of 1967 is amended to read as follows:

10. Use of streets and highways. To enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the acquisition, construction, reconstruction, improvement, maintenance or operation of any **airport or parking facility or system, water system, sewer system or water and sewer system;** when highways maintained by the State are affected, the municipality shall be subject to the same statutory provisions applicable to those corporations authorized to lay their pipes and conduits in the public ways;

Sec. 5. R. S., T. 30, § 4253, sub-§ 2, amended. Subsection 2 of section 4253 of Title 30 of the Revised Statutes, as enacted by section 5 of chapter 429 of the public laws of 1967, is amended by adding at the end the following two sentences:

There shall be a lien on real estate served or benefited by a water system, sewer system or water and sewer system to secure the payment of rates, fees or charges duly established hereunder which shall take precedence over all other claims on such real estate, excepting only claims for taxes. The treasurer of the municipality shall have the same authority and power to collect such rates, fees and charges as are granted by Title 38, section 1208 to treasurers of sanitary sewer districts with respect to rates established and due under section 1202 of said Title 38.

Sec. 6. R. S., T. 30, § 4254, amended. Section 4254 of Title 30 of the Revised Statutes, as repealed and replaced by section 5 of chapter 429 of the public laws of 1967, is amended to read as follows:

§ 4254. Collection of revenue producing facilities' charges

Any resolution providing for the issuance of revenue bonds for a water system or sewer system, **water and sewer system and airport or parking facility** under this chapter, or the trust agreement securing such bonds may include any or all of the following provisions, and may require the municipal officers to adopt such resolutions or take such other lawful action as shall be necessary to effectuate such provisions and the municipal officers are hereby authorized to adopt such resolutions and to take such other action:

1. **Deposits.** That the municipality may require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any water system or sewer system, **water and sewer system and airport or parking facility** owned or operated by the municipality to make a reasonable deposit with the municipality in advance to insure the payment of such rates, fees or charges and to be subject to application to the payment thereof if and when delinquent.

2. **Procedure for collection.** That if the rates, fees or charges for the use of or for the services furnished by any sewer system owned or operated by the municipality by or in connection with any premises not served by a water system owned or operated by the municipality shall not be paid, such rates, fees and charges shall be collected in accordance with sections **4253 and 4453 to 4455.**