

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1020

H. P. 783

House of Representatives, February 21, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Clark of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

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

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

Whereas, it is essential that a sewer system be provided for a large number of residents of the Town of Freeport not presently served in order to protect and preserve the public health, safety and welfare and to insure the quality of coastal waters; 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 P. & S. L., 1947, c. 60, § 1, repealed and replaced. Section 1 of chapter 60 of the private and special laws of 1947, as amended, is repealed and the following enacted in place thereof:

Sec. 1. Territorial limits; name; purposes. All of the territory lying within the municipal boundaries of the Town of Freeport, in the County of Cumberland, and the inhabitants within said territory, shall constitute a body politic and corporate, under the name of "Freeport Sewer District," for the purposes of constructing, maintaining, operating and providing a system of sewerage, sewage and commercial and industrial waste disposal and sewage treatment and of storm and surface water drainage for public purposes and for the health, welfare, comfort and convenience of the inhabitants of said district.

Sec. 2. P. & S. L., 1947, c. 60, § 4, amended. The last sentence of section 4 of chapter 60 of the private and special laws of 1947 is repealed.

Sec. 3. P. & S. L., 1947, c. 60, § 6, amended. Section 6 of chapter 60 of the private and special laws of 1947 is amended by adding a new paragraph at the end to read as follows:

The trustees are authorized to contract with persons, corporations, districts and other municipalities, both inside and outside the territory of the district, and with the State of Maine and the United States Government or any agency of either, to provide for disposal of sewage and commercial and industrial waste and storm and surface water through the district's system and through the system of any such person, corporation, district or other municipality; and for any purposes of the district the trustees may contract with such municipalities, the State of Maine and the United States Government, or any agency thereof, for donations, loans, grants, gifts or other assistance and in such contracts to agree to be bound by all applicable provisions of federal, state and municipal statutes and regulations as the case may be.

Sec. 4. P. & S. L., 1947, c. 60, § 11, repealed and replaced. Section 11 of chapter 60 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

Sec. 11. Trustees, election of; tenure of office; vacancies; first meeting and organization of board; annual report. All the affairs of said district shall be managed by a board of 7 trustees who shall be nominated and elected in the same manner as municipal officers are nominated and elected under the charter of the Town of Freeport or the laws of the State of Maine, whichever is applicable, except that petitions for nomination of trustees shall be signed by no less than 25 qualified voters. Trustees shall be elected at large and initially for terms as follows: Two for a term of one year, 2 for a term of 2 years and 3 for a term of 3 years. At the expiration of the initial terms each vacancy shall be filled for a term of 3 years at the regular municipal election. In the case of a vacancy on the board of trustees, the municipal officers of the Town of Freeport shall fill the vacancy by electing a trustee to serve until the next regular municipal election. 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.

The trustees shall meet annually at a time determined by their bylaws for the purpose of electing from their own members a chairman, vice-chairman, treasurer and a clerk to serve until the next annual election and until their successors are elected and qualified. The trustees may 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.

The trustees may, from time to time, adopt, establish and amend bylaws consistent with the provisions of this charter and 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.

No member of the board of trustees shall be employed for compensation as an employee or in any other capacity by the district except as provided.

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, which 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.

Sec. 5. P. & S. L., 1947, c. 60, § 12, repealed. Section 12 of chapter 60 of the private and special laws of 1947, as amended by section 3 of chapter 50 of the private and special laws of 1949, is repealed.

Sec. 6. P. & S. L., 1947, c. 60, § 13, repealed. Section 13 of chapter 60 of the private and special laws of 1947 is repealed.

Sec. 7. P. & S. L., 1947, c. 60, § 14, repealed. Section 14 of chapter 60 of the private and special laws of 1947 is repealed.

Sec. 8. P. & S. L., 1947, c. 60, § 17, amended. The first sentence of section 17 of chapter 60 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

For accomplishing the purposes of the district, of paying and refunding its indebtedness, of paying any necessary expenses incurred, in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating sewage and treatment plants or systems, and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, the district, by resolutions of the board of trustees, without district vote, is authorized to borrow money and issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions, including maturity date or dates, as the trustees shall determine.

Sec. 9. P. & S. L., 1947, c. 60, § 19, sub-§ IV, amended. The first sentence of subsection IV of section 19 of chapter 60 of the private and special laws of 1947, as repealed and replaced by section 5 of chapter 50 of the private and special laws of 1949, is amended to read as follows:

To provide each year a sum equal to not less than ~~3%~~ 1% nor more than 5% of the ~~entire~~ **entire outstanding** indebtedness of the district, as a sinking fund for the ~~final~~ extinguishment of said indebtedness.

Emergency clause; effective date; transitional provisions. In view of the emergency cited in the preamble, this Act shall take effect when approved. On the effective date of this Act, the present duly elected and qualified trustees shall continue in office until the next regular municipal election, or until their successors are elected and qualified. Within 30 days of the effective date of this Act, the municipal officers of the Town of Freeport shall

elect a sufficient number of additional trustees necessary to constitute the 7-member board of trustees contemplated by this Act, which trustees shall also serve until the next regular municipal election, or until their successors are elected and qualified. At the next regular municipal election following the effective date of this Act, 7 trustees shall be elected whose terms of office shall be determined as follows: The 3 trustees receiving the greatest number of votes shall serve until the regular municipal election in 1977; the 2 trustees receiving the next greatest number of votes shall serve until the regular municipal election in 1976; and the 2 remaining trustees shall serve until the regular municipal election in 1975. In the event of a tie in the number of votes cast for trustees, the term of office shall be determined by lot.

STATEMENT OF FACT

The purpose of this bill is to create a new Freeport Sewer District.