

# 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 HUNDRED AND SIXTH LEGISLATURE

---

---

**Legislative Document**

**No. 1748**

H. P. 1276

House of Representatives, March 28, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Gahagan of Caribou.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

---

**AN ACT Establishing the Aroostook-Prestile Treatment District.**

---

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

Whereas, the City of Presque Isle, the City of Caribou and the Town of Easton are in great need of an installation of a joint sewage treatment plant; and

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

Whereas, a plan for the Aroostook River basin has been approved by the State of Maine Department of Environmental Protection and the United States Environmental Protection Agency and this legislation is necessary to implement that plan; and

Whereas, the laws of the State of Maine require that certain steps be taken during the year 1973 to meet water quality standards; and

Whereas, it is vital that construction of such an installation be commenced at the earliest possible opportunity in order to minimize pollution problems in the Aroostook River and the Prestile Stream; 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. Incorporation and purposes.** There is hereby created a quasi-municipal corporation to be known as the Aroostook-Prestile Treatment District, hereinafter called "the district." The purposes of the district shall be to plan, acquire facilities for, construct, operate, maintain and improve sewage treatment plant or plants, interceptor and collector lines, sewers, pumping stations and other facilities necessarily incident thereto, to receive, treat and dispose of sewage and waste waters discharged by the Presque Isle Sewer District, the Caribou Utilities District and the inhabitants and industries of Presque Isle, Caribou and Easton who are not served by the Presque Isle Sewer District or the Caribou Utilities District. The district shall have all such powers, rights, privileges and immunities as may be necessary for the accomplishment of the aforesaid purposes, whether or not such powers are hereinafter specifically given.

**Sec. 2. Acquisition of property: right of eminent domain.** The district may acquire by purchase or otherwise, or through the exercise of the power of eminent domain, such real property, personal property, easements, water rights and water courses or other interests therein as may be necessary or convenient to accomplish its purposes. The District shall not have the right to take by eminent domain the water rights and water courses or other interests therein of any existing public utility. The district is also authorized to lay, maintain, repair and replace its pipes and equipment in the streets, roads and ways of Presque Isle, Caribou and Easton and across public or private lands and along and across ponds, rivers and water courses where such construction would not unduly interfere with some other existing public purpose. If public highways are entered for said purposes, the work shall be done expeditiously and with as little obstruction to the public traffic as possible. At the completion of the work, the highway or other public land shall be restored as nearly as practicable to its previous condition. The district shall assume responsibility for all costs of such work and shall indemnify the cities or town for any liability which they may incur to third persons from negligent performance of the work.

**Sec. 3. Crossing public utilities.** Where it is proposed that the sewer lines or other installations of the district shall cross or otherwise occupy property of a public utility and where consent of said utility to such crossing or installation is refused, application shall be made to the Public Utilities Commission to determine the place, manner and condition of such crossing or installation. Such crossing or installation shall thereafter be made only to the extent permitted and subject to conditions imposed by the Public Utilities Commission and such work shall be performed under its supervision.

**Sec. 4. Procedure in eminent domain proceedings.** In exercising from time to time the right of eminent domain hereby conferred upon it, the district by its board of trustees, shall file in the office of the county commissioners of Aroostook County and cause to be recorded in the registry of deeds in said county plans of the location of all lands, real estate, easements, water rights or other interests therein, and sewers, drains or conduits and any sewer or drainage rights to be taken, with an appropriate description and the names

of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all said lands, real estate, easements or interests therein and other property and rights as aforesaid to be taken, but title thereto shall not vest in said district until payment therefor.

If any person sustaining damages by any taking as aforesaid shall not agree with the district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Aroostook County, may have said damages assessed by them. The procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways by the county commissioners.

**Sec. 5. Water transfer.** The district, subject to the provisions below, is authorized as a part of its total system of waste water treatment to undertake and engage in the bilateral transfer of water between the Aroostook River Watershed and the Prestile Stream Watershed. The Legislature specifically finds that in order for the district to alleviate pollution from the Aroostook River and the Prestile Stream, to efficiently operate its facilities, and to promote the maximum health, comfort and well-being of the residents of Presque Isle, Caribou and Easton, it is necessary for the district to engage in the bilateral transfer of water herein granted.

Before the district shall undertake or engage in the transfer of water herein authorized, it shall make application to the Board of Environmental Protection or its successors. The application shall set forth the amounts of water to be transferred, the method of transfer and such other information as the board shall require. Within 45 days from the receipt of the application, the board shall cause a public hearing to be held thereon in one of the municipalities within the district. Notice of the hearing, stating in general terms the purpose of the meeting, the date of the meeting and its location shall be published for 2 successive weeks prior to the hearing in a weekly newspaper having circulation within the district. A transcript shall be made of the public hearing. After the public hearing on the evidence received thereat, considering the benefit to the district, potential harm to other riparian owners and the effect of such transfer on the water quality of the affected bodies of water, the board shall allow the district to transfer water in such amounts, manner and at such times as it shall determine to be in the public interest. The board shall not allow the transfer of more than 10 cubic feet of water per second from the Aroostook River Watershed to the Prestile Stream Watershed. The board shall make such orders as it deems proper, consistent

with its findings. The district may at any time make application to the board for modification, extension or rescision of any order of the board.

The district or any other person aggrieved by any order or decision of the board in regard to any matter upon which there was a hearing before the board may, within 30 days after the filing of such order or decision, appeal therefrom to the Aroostook County Superior Court by filing a notice of appeal stating the points of appeal. Notice of the appeal shall be ordered by the court and the appeal shall be heard without jury in the manner and with the rights provided by law and other civil actions so heard. The proceedings on appeal shall not be de novo. The court shall receive into evidence true copies of the transcript of the hearing, the exhibits thereto and the decision of the board. The court's review shall be limited to questions of law and to whether the board acted regularly and within the scope of its authority and the board's decision shall be final so long as supported by the weight of the evidence.

No riparian landowner shall be deemed an aggrieved party or have a cause of action at law or in equity against the district or the State of Maine as a result of any diversion and interbasin transfer of water resulting in an increased flow of water, treated or untreated, to a receiving stream or a decreased flow in a stream from which a diversion has been made unless such landowner can show actual damage to his property interest resulting from the diversion and interbasin transfer of water. Such landowners shall have a cause of action against the district for money damages only.

**Sec. 6. Disposal of surplus property.** When the district determines that any real or personal property or interests therein in its possession are no longer needed in the accomplishment of the purposes of the district, it may dispose of the same on such terms as it shall judge to be in the best interests of the district.

**Sec. 7. Inspection, rules and regulations.** The district shall prevent, insofar as practicable, the discharge into the sewers of substances which might damage the sewage treatment facilities or interfere with their maintenance and operation. Its officers and agents shall have free access to all premises served by the sewage collection and treatment facilities at reasonable times in order to inspect the sewers, drains, sewage pumping stations, tanks or treatment works, and determine the amount and character of sewage, drainage or other wastes flowing therefrom and whether such sewage, drainage or other wastes do, or are likely to, damage or impair the sewage collection or treatment facilities or interfere with their maintenance and operation.

The district may, for the proper operation of its sewage collection and treatment facilities, issue rules and regulations which shall be binding on the Presque Isle Sewer District, the Caribou Utilities District, the municipalities of Presque Isle, Caribou and Easton and the inhabitants and industries of Presque Isle, Caribou, and Easton, as to the quantity and character of any sewage, drainage or other waste distribution into any sewer connected with any of the facilities of the district.

**Sec. 8. Connection of private sewers.** Every building in the district intended for human habitation or occupancy or with facilities for discharge

or disposal of sewage or commercial or industrial waste, which is accessible to a sewer or drain of such district, shall have a sanitary sewer or drainage system which shall be caused to be connected with such sewer or drain of the district by the owner or person against whom taxes on the premises are assessed, in the most direct manner possible, within 90 days after receiving request therefor from the district, or within such further time as the trustees of the district may grant, and, if feasible, with a separate connection for each such building. Existing buildings which are already served by a private sewer or drainage system shall not be required to connect with any such sewer or drain of the district so long as, in the judgment of the trustees, such private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate any law or ordinance applicable thereto or any application requirement of the State Plumbing Code. A building shall be deemed to be accessible to a sewer or drain of the district for the purposes of this section if such building, or any private sewer or drain directly or indirectly connected thereto or carrying sewage or commercial or industrial waste therefrom, shall at any point be or come within 500 feet of a sewer or drain of the district; provided that nothing in this section shall require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection.

**Sec. 9. Entry of private sewer.** Any person may enter his private sewer into any sewer of the district while the same is under construction and before completion of such sewer at the point of entry, on obtaining a permit in writing from the trustees of the district; but after the sewer is completed to the point of entry and an entrance charge established on that location, no person shall enter his private sewer into such sewer until he has paid the entrance charge and obtained a permit in writing from the trustees. All such permits shall be recorded by the clerk of the district in its records before the same are issued.

**Sec. 10. Contracts.** In the performance of its purposes, the district is authorized to enter binding contracts with other persons, corporations, governmental bodies or agencies thereof, and to negotiate for, receive and use grants and loans from any governmental body or agency which are available for use in furtherance of any of the purposes of the district. The district is authorized to enter into binding contracts with the Presque Isle Sewer District, the Caribou Utilities District and the municipalities of Presque Isle, Caribou and Easton and the municipalities of Presque Isle, Caribou and Easton, the Presque Isle Sewer District and the Caribou Utilities District are hereby authorized to enter into binding contracts with the district. The district is also authorized to enter into binding contracts with other users of the district's facilities or any other person, firm or corporation, public or private, in furtherance of any of the purposes of the district.

**Sec. 11. Trustees.** All of the affairs of the district shall be managed by a board of trustees which shall consist of 9 members. The trustees shall be appointed in the following manner: Three of the trustees shall be appointed by the city council of the City of Presque Isle; 3 of the trustees shall be appointed by the city council of the City of Caribou; one of the trustees shall be appointed by the trustees of the Presque Isle Sewer District from their number;

one of the trustees shall be appointed by the trustees of the Caribou Utilities District from their number; and one of the trustees shall be appointed by the board of selectmen of the Town of Easton. The terms of the trustees shall be for 3 years except for the initial trustees whose term shall be determined by lot with 3 trustees serving for a one-year term, 3 trustees for a 2-year term and 3 trustees for a 3-year term. Trustees shall be eligible for reappointment. No employee of the Presque Isle Sewer District, the Caribou Utilities District or the district shall be eligible for appointment to the board of trustees. If any of the offices of trustee shall become vacant, the entity appointing the trustee shall appoint a successor to fill the term of the vacant trustee.

**Sec. 12. Procedures.** A quorum of the trustees able to conduct any business shall be 5 in number; all votes shall be by a majority of those present and voting. The trustees from their own number shall choose a chairman and a clerk. 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 in the proper management of the affairs of the district and perform any other acts within the powers delegated to them by law. The trustees by specific resolution may authorize agents and employees of the district to execute any and all proper contracts or other documents of any nature in the name of the district. The trustee shall keep a record of their votes and resolves.

The trustees may appoint, determine the compensation, and at its pleasure remove, a treasurer and such other officers, employees, agents or outside consultants as it shall deem proper to carry out the functions of the district. The salaries or compensation of all persons appointed or employed under this section, together with other expenses, shall be paid by the district and shall be considered a part of the expense of the operation of the district. 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 trustees shall be compensated \$25 per day or part of a day for their services and shall be paid for necessary travel and other expenses at the same rates as are employees of the State of Maine.

Trustees shall make an annual report of its activities and finances for the preceding year and shall submit a copy thereof to the municipal officers of Presque Isle, Caribou and Easton, the Department of Environmental Protection and to any citizen of the district who shall request one. The financial portion of the report shall be certified by a certified public accountant.

The district shall have a seal consisting of a circular die bearing the words "Aroostook-Prestile Treatment District, 1973" which may be used whenever deemed advisable by the trustees on papers and documents issued or executed by it or its officers or employees on its behalf.

**Sec. 13. Tax exemption.** Notwithstanding the provisions of any other state statute, or local ordinance now or subsequently enacted, the present and future revenues, income and property, both real and personal, of the district shall be forever exempt from all state and local taxation, excises, assessments, license fees or other monetary exactions.

**Sec. 14. Bonds.** The district for the purpose of accomplishing its objectives, of paying and refunding its indebtedness, of paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities incurred by the district 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, by resolutions of the trustees, without vote of the inhabitants of the district, 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 as the trustees shall determine. Any such bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable, may be made callable at par or at such premium as the trustees may determine. The trustees, without the vote of the inhabitants of the district, may issue temporary notes for a period of not more than 3 years in anticipation of the money to be received from the sale of heretofore authorized bonds or notes. For the purpose of paying expenses of the operation of the district, including, without limitation, any principal or interest due or about to become due on any other bond or note issued by the district, the district through its trustees, without vote of the inhabitants of the district, is authorized to issue from time to time temporary notes of the district in anticipation of revenue from rates or assessments to be earned by the district. Such temporary notes in anticipation of revenue shall be payable not more than one year from their date and shall not exceed in principal amount at any one time outstanding the amount of revenue as determined by the trustees in anticipation of which they are issued. Any such bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine. All bonds, notes or other evidences of indebtedness shall be signed by the treasurer and countersigned by the chairman of the trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district and the district is declared to be quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053. Subject to the foregoing provisions of this section, the district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State of Maine and shall be tax exempt.

The district is authorized to enter into agreements with the State of Maine or United States Government, or any agency of either, or any municipality, corporation, commission or board authorized to grant or loan money to or



otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government, agency, municipality, corporation, commission or board as may be necessary or desirable to accomplish the purposes of the district.

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 districts, the district is authorized to issue its sewer bonds, notes and evidences of indebtedness pursuant to this Act without the approval of any governmental agency.

**Sec. 15. Rates.** All persons, firms and corporations, whether public, private or 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 sewer or drainage service used or available with respect to their real estate, which rate shall include rates for the district's readiness to serve charged against owners of real estate, abutting on or accessible to, sewers or drains of the district, but not actually connected thereto, whether or not such real estate is improved.

Rates, tolls, rents and entrance charges shall be uniform within the district, whenever the cost to the district of installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform; but nothing shall preclude the district from establishing a higher rate, toll, rent or entrance charge than the regular rates, tolls, rents, and entrance charges in sections where, for any reason, the cost to the district of construction and maintenance, or the cost of service, exceeds the average, but such higher rates, tolls, rents and entrance charges shall be uniform throughout the sections where they apply.

The sewer rates, tolls, rents and entrance charges shall be so established as to provide revenue for the following purposes:

1. **Current operating expenses.** To pay the current expenses of operating and maintaining the sewerage, drainage and treatment system of the district;
2. **Payment of interest and principal.** To provide for the payment of interest and principal on the indebtedness created by the district;
3. **Sinking fund for retirement of obligations.** To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district and invested in such securities as savings banks in this State are allowed to hold;
4. **Surplus.** If any surplus remains at the end of the year, it may be turned into the sinking fund.

Unless and until such time as a governmental agency of the State of Maine shall be given general jurisdiction to oversee the levying of rates, assessments and supplementary charges of sewer districts, the district is authorized to levy

the rates, assessments and supplementary charges herein authorized without the approval of any governmental agency.

**Sec. 16. Other moneys.** The district shall be authorized to receive moneys from any other source whatsoever by gift, bequest, repayment of obligation to any government or in any other manner whatsoever, and subject to whatever legal restrictions may be placed on the receipt of such moneys. The trustees, subject only to restrictions placed on the receipt of such moneys, may use such moneys for any purpose of the district, except current operating expenses, including but not limited to a capital fund for future improvements, extensions or additions to the facilities of the district.

**Sec. 17. Assessments.** When the district has constructed and completed any common sewer, the trustees may, if they so determine, in order to defray a portion of the expense thereof, determine what lots or parcels of land are benefited by such sewer, and estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession or against whom taxes thereon are assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expense of constructing and completing such sewer, together with such sewage treatment plants and appurtenances as may be necessary, the whole of such assessments not to exceed  $\frac{1}{2}$  of the cost of such sewer and sewage treatment plants. The trustees shall file with the clerk of the district the location of such sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel, and the name of the owner of such lots or parcels of land or person against whom said assessment shall be made, and the clerk of such district shall record the same in a book kept for that purpose, and within 10 days after such filing, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order of notice, signed by the clerk of said district, stating the time and place for a hearing upon the subject matter of said assessments, shall be given to each person so assessed or left at his usual place of abode in said district, and if he has no place of abode in said district, then such notice shall be given or left at the abode of his tenant or lessee if he has one in said district. If he has no such tenant or lessee in the district, then by posting said notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before said hearing and by mailing such notice by registered mail to his last known address at least 30 days before said hearing, and by publishing the same once a week for 3 successive weeks in any newspaper of general circulation in said district, the first publication to be at least 30 days before said hearing. A return made upon a copy of such notice by any constable in any municipality within the district or by any sheriff or deputy sheriff or a signed receipt from the registered mail or the production of the newspaper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing, the trustee shall have the power to revise, increase or diminish any of such assessments, and all such revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

**Sec. 18. Appeal on assessment.** Any person aggrieved by the decision of said trustees as it relates to any assessment for sewer construction under section 17 shall have the same rights of appeal as are provided in the case of laying out of town ways.

**Sec. 19. Lien for unpaid assessments.** All assessments made under section 17 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment, and shall continue for one year thereafter; and, within 10 days after the date of hearing on said assessment, the clerk of the district shall make out a list of all such assessments, the amount of each and the name of the person against whom the same is assessed. He shall certify the list and deliver it to the treasurer of said district. If said assessments are not paid within 3 months from the date thereof, the treasurer may bring a civil action for the collection of said assessment in the name of the district against the person against whom said assessment is made and for the enforcement of said lien. The complaint in such action shall contain a statement of such assessment, a description of the real estate against which the assessment is made, and an allegation that a lien is claimed on said real estate to secure the payment of the assessment. If no service is made upon the defendant or it shall appear that any other persons are interested in such real estate, the court shall order such further notice of such action as appears proper, and shall allow such other persons to become parties thereto. If it shall appear upon trial of such action that such assessment was legally made against said real estate, and is unpaid, and that there is an existing lien on said real estate for the payment of such assessment, judgment shall be rendered for such assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and the execution shall issue thereon to be enforced by sale of such real estate in the manner provided for a sale on execution of real estate attached on original process; provided that in making said sale, the officer shall follow the procedure in selling and conveying and there shall be the same rights of redemption as provided in the Revised Statutes, Title 36, section 941.

**Sec. 20. Civil action for unpaid assessments.** If assessments under section 17 are not paid, and the district does not proceed to collection of these unpaid assessments by proceeding as prescribed in section 19, or does not collect or is in any manner delayed or defeated in collecting such assessments by proceedings under section 19, then the district in its name may maintain a civil action against the party so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court of competent jurisdiction, and in such suit may recover the amount of such assessment with 10% interest on the same from the date of said assessment and costs.

**Sec. 21. Collection of unpaid rates.** There shall be a lien on real estate served or benefited by the sewers of the district to secure the payment of rates established and due under section 14 which 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 the rates, tolls, rents and other charges established under

section 15 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue 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 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 the 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 or other charge and demanding within 30 days after the service of such notice, payment as aforesaid. In the case of a non-resident of the district, the aforesaid notice shall be given by registered or certified mail addressed to his last known address and 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. After the expiration of said period of 30 days and within one year thereafter, the treasurer shall record in the southern district of the Aroostook registry of deeds a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or other charge, 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 or other charge 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 or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as heretofore provided, the 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 \$1.50, and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed \$1.

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 or other charge, 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 same manner as provided for discharge of real estate mortgages.

**Sec. 22. Supplementary charges.** The district shall be authorized to impose charges, in addition to any other assessments now lawfully imposed by general law, for the use of sewers, sewer systems and treatment works, and the trustees may adopt such rules and regulations as may be necessary or convenient to carry out the purposes of the district. 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.

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

#### STATEMENT OF FACT

The purpose of this bill is reflected in the title.