

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1562

S. P. 467

In Senate, April 7, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Gahagan of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Charter of the Aroostook-Prestile Treatment District.

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

Whereas, the Aroostook-Prestile Treatment District was created by chapter 95 of the Private and Special Laws of the State of Maine 1973; and

Whereas, the treatment of municipal and industrial waste water and sewage is essential to the health and well-being of the inhabitants of the Aroostook-Prestile Treatment District; and

Whereas, the Aroostook-Prestile Treatment District is about to start final design and construction of a waste water and sewage treatment plant; and

Whereas, it is necessary to clarify certain of the powers of the district prior to the start of such final design and construction; 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:

P&SL 1973, c. 95, §§ 1, 4 and 14 are repealed and the following enacted in place thereof:

Sec. 1. Incorporation and purposes. The territory and people of the Cities of Presque Isle and Caribou and the Town of Easton shall constitute the quasi-municipal corporation to be known as the Aroostook-Prestile Treat-

ment 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, the inhabitants of the district who are not served by the Presque Isle Sewer District or the Caribou Utilities District, and in addition thereto industrial users within the district as that term is defined by 40 C.F.R. Section 35.905-8 and as it may be from time to time amended.

Sec. 4. Procedure in eminent domain proceedings. In exercising any rights of eminent domain that are conferred upon it, the district shall provide for a hearing to determine the necessity of such taking and the damages sustained by the owner of the land or interest in land to be taken. Notice of the time and place of such hearing shall be given by personal service upon the record owner or owners of the land or interest in land to be taken. If such owner or owners cannot be served personally by due diligence, then such service shall be made by certified mail to the last known address and by publication in a newspaper of general circulation in the municipality in which such land is located once a week for 2 weeks prior to the time appointed for said hearing. The clerk of the district shall keep an accurate record of the proceedings and the determination and decision. If the trustees decide to acquire such land or interest in land, the clerk of the district shall file a notice in the registry of deeds in which the land is located stating that the land or interest in land shall be taken, which notice shall contain an adequate description of the property, the owners thereof, if known, and the amount of damages awarded therefor. Upon the filing of said notice, the title to the land or interest in land shall vest in the district. No entry shall be made on any private lands, except to make surveys, until filing of said notice.

If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefor, either party, within 45 days of the filing of such notice in the registry of deeds, upon petition to the Land Damage Board, may have said damages assessed by them. The procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 14. Authorization to borrow money; to issue bonds and notes. The district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time bonds or notes of the district to pay for the costs of capital outlay incurred by the district in connection with accomplishing any of the purposes set forth in Chapter 95 of the Private and Special Laws of 1973 as hereby amended, and as it may be from time to time amended, including any organizational and other necessary expenses and liabilities incurred by the district in acquiring properties, renovating properties, paying damages, laying sewers, conduits, drains, interceptor lines, truck sewers, force mains, outfalls, construction, maintenance and operation of sewage and treatment plants, or systems and other waste water and sewage facilities; making renewals, additions, extensions and improvements to the same; and for the

establishment of a reasonable reserve for future payments of debt service, which reserve shall not exceed for any issue of bonds or notes the amount of interest and principal payable on account of such issue, averaged for each year except the last in which principal of such issue is payable, and for the interest during the period of construction and for a period not exceeding one year thereafter. Said bonds or notes shall be issued in such amount or amounts as the district, acting through its trustees and without vote of its inhabitants, may determine. The district may refund any such bonds or notes or make other provisions for their advance refunding. Said bonds or notes shall be issued to mature serially, in annual installments, the first of which shall be payable not later than 5 years from the date of such bonds or notes and the last of which shall be payable not later than 40 years from said date; or may be issued for a term of years not exceeding 40 years; or in a combination to mature serially and for a term of years not exceeding 40 years, all as the trustees shall determine. Said bonds may be callable with or without premium and may contain provisions for the refunding of any such issue or part thereof in advance of any due date thereof. Said bonds or notes shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, at public or private sale, with or without provisions for prepayment in advance of maturity, at par, at a discount or at a premium, all as the trustees shall determine.

If the trustees vote to issue bonds or notes, the trustees may authorize the issuance, in the name of the district, of temporary notes for a period of up to one year in anticipation of the money to be received from the sale of such bonds or notes. The time within which such temporary notes shall be payable need not be included in determining the period for which bonds or notes may be issued.

For the purpose of paying expenses of operation, including, without limitation, any principal or interest due or about to become due on any bond or note issued by the district for which funds are not available, the district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time temporary notes of the district in anticipation of assessments levied or to be levied.

The district may refund and reissue from time to time in one or in separate series its bonds, notes or other evidences of indebtedness. All bonds shall have inscribed upon their face "Aroostook-Prestile Treatment District" and shall be executed as the trustees shall determine.

All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be applicable thereto.

All bonds, notes and evidences of indebtedness issued by said district pursuant to this Act shall be legal investments for savings banks in the State of Maine and shall be exempt from Maine income tax.

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

The district is authorized to enter into agreements with federal, state and local governments or any agency thereof, or any corporation, commission or board authorized by federal, state or local governments to grant or loan money to or otherwise assist in the financing of projects for accomplishing any of the purposes of this Act, and to accept grants and borrow money from such government, agency, corporation, commission or board as may be necessary or desirable for the purposes of this Act.

In addition, the district is authorized to collect from industrial users of the waste water and sewage services, either directly or through the participating municipality, that portion of the federal grant amount allocable to the treatment of such users' waste water and sewage and to maintain said amounts in accordance with 40 C.F.R. Sections 35.925-11 and 35.928 and 35.935-13 as the same may be from time to time amended. The district is also authorized to enter into agreements with municipalities, other than the participating municipalities, to provide for the payment of the district of the amounts paid to such municipalities pursuant to the industrial cost recovery program, and the district is authorized to pay to municipalities amounts which the district has received pursuant to such program. The participating municipalities are hereby authorized to participate in and comply with the provisions of the federal industrial cost recovery program.

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

STATEMENT OF FACT

The intent of this Act is to clarify the Aroostook-Prestile Treatment District's powers.