

MAINE STATE LEGISLATURE

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(EMERGENCY)
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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2147

H. P. 2115

House of Representatives, February 16, 1978.

Reported by Mr. Kelleher from the Committee on Public Utilities and printed under Joint Rule No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Revise the Brownville Junction Water District Charter.

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

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

Whereas, certain obligations and expenses incident to the operation of Brownville Junction Water District have become, or will become, due and payable before the 90-day period shall expire; 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P&SL 1947, c. 43, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; name; purposes; plans of system to be submitted to

public utilities commission for approval. That part of the Town of Brownville, and the inhabitants within the same, which is bounded and described as follows:

Commencing at a point on the west line of the Town of Brownville, this point being also the southwest corner of lot 48, thence easterly along the south bounds of lots 48, 47, and 46 to the southeast corner of lot 46, which point is also the southwest corner of lot 45, thence northerly along the east bounds of lots 46 and 58 to the northeast corner of lot 58, which point is also the southeast corner of lot 70, thence westerly along the north bounds of lots 58, 59 and 60 to the west line of the Town of Brownville, which point is also the northwest corner of lot 60, thence southerly along the west bounds of lots 60 and 48, which is also the west line of the Town of Brownville, to the point of beginning. Also that part of T. 6, R. 8, and the inhabitants within that part which is bounded and described as follows: Commencing at a point on the east line of T. 6, R. 8, this point also being the southeast corner of lot 17, thence westerly along the south bound of lot 17 to the southwest corner of lot 17, this point being also the northwest corner of lot 16, thence northerly along the west bound of lot 17, 18, 19 and 20 to the northwest corner of lot 20, this point being also the south west corner of lot 21, thence easterly along the north bound of lot 20, to the east line of T. 6, R. 8, this point being also the northeast corner of lot 20, thence southerly along the east bounds of lots 20, 19, 18 and 17, which is also the east line of T. 6, R. 8, to the point of beginning; these lots and numbers and boundraries being according to the Colby Atlas of Piscataquis County published in 1882; are hereby created a body politic and corporate by the name of the Brownville Junction Water District for the purpose of supplying the inhabitants of that district with pure water for domestic, sanitary, commercial and municipal purposes, and also for providing adquate sewerage facilities for the collection, discharge and disposition of sewage as may be necessary for the convenience and health of the inhabitants of that district.

Sec. 2. Authority to construct and maintain. Within the territory and wherever its plant, properties, franchises, rights and privileges may be located, the Brownville Junction Water District is authorized to lay pipes, drains, sewer mains and conduits and to take up, replace, repair and maintain the same and to contract for the same to be done in, along and through any public or private ways, public grounds or lands of any person or corporation as hereinafter provided; to construct and maintain dams, reservoirs, aqueducts, stand pipes, pumping stations, sewage treatment works, catch basins, flush tanks and all other appliances for collecting, holding, purifying, distributing and disposing of water, sewage and of surface and waste water; to install hydrants, drains, manholes, pumps and all other appurtenances necessary and convenient for the operation of water and sewerage systems and generally to do any and all things necessary or incidental to accomplish the purpose of this Act.

Sec. 3. Authority to acquire and hold property, eminent domain. Title to all public sewers in the district territory, wherever the same may be located, shall be vested in the district.

The district is authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the aforesaid purposes, and is expressly granted the right of eminent domain. This district is authorized to take, use and hold by purchase, lease or the exercise of eminent domain, as hereinafter provided, or otherwise any land or interest therein, and any pond, stream, surface or ground waters and sewer rights necessary for erecting and maintaining dams, plants and works for flowage, for power, for pumping, for supplying water through its mains and sewerage system, for reservoirs for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures, for taking, distributing, discharging and disposing of water and sewerage, for forming basins, reservoirs and outlets in a sewerage system, for erection of buildings for pumping works for use therein, for laying pipes and sewers and maintaining same, and for laying and maintaining conduits for carrying, collecting, discharging and disposing of sewerage matters and waters, for filtering, rectifying, treating and disposal plants, works and facilities, for such other objects necessary, convenient and proper for the purposes of its incorporation, and for rights-of-way or roadways to the sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures, plants, works, facilities and lands.

Nothing herein contained shall be construed as authorizing the district to take by right of eminent domain any of the properties or facilities of any other public service corporation or district used or acquired for future use by the owner thereof, in the performance of a public duty, unless expressly authorized herein or by subsequent Act of the Legislature.

Sec. 4. Procedure as to the exercise of right of eminent domain. In exercising any rights of eminent domain that are herein conferred upon the district, the district shall file for record in the registry of deeds in the County of Piscataquis plans of the location of lands or interest therein 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 that location or if the location so recorded is defective or uncertain, it may at any time correct and perfect the location and file a new description thereof, and in the 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 act 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 the

filing; whereon possession may be had of all the lands or interest therein so taken, but title thereto shall not vest in the district until payment therefor.

Sec. 5 Liability for damages. 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 Piscataquis County, may have the damages assessed by them, the procedure and all subsequent proceedings and rights 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 laying out of highways.

Sec. 6. Procedure if public utility must be crossed. In case of any crossing of any public utility, unless consent is given by the company owning or operating the public utility as to place, manner and conditions of the crossing within 30 days after the consent is requested by the district, the Public Utilities Commission shall determine the place, manner and conditions of the crossing and all work on the property of the public utility shall be done under the supervisions and to the satisfaction of the public utility, but at the expense of the district.

Sec. 7. Excavation or repair work, closing of ways. Whenever the district shall enter, dig up or excavate any public way or other land for the purpose of laying its water mains, sewers, drains or pipes, constructing manholes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work shall be expeditiously done with the least possible interruption and on completion of the work the district shall restore the way or land to the condition it was in prior to the work, or to the condition equally as good.

Whenever the character of the work is such as to endanger travel on any public way, the municipal officers of the Town of Brownville may order a temporary closing of the way and of any intersecting way upon request of the district, and the way shall remain closed to public travel until the municipal officers deem it is restored to a condition safe for traffic.

Sec. 8. Sanitary provisions and penalty for violation. Any person who shall place for discharge any offensive or injurious matter or material on or into the reserviors, aqueducts, water mains or water supply, or into the conduits, catch basins or receptacles of the district contrary to its regulations, or shall willfully injure any aqueduct, water main, hydrant, conduit, pipe, reservior, flush tank, catch basin, inlet, manhole, outlet, engine, pump or other property held, owned or used by the district for the purpose of this charter shall be liable to pay twice the amount of the damages to the district, to be recovered in any proper action and the person, on conviction of either of the acts of willful injury aforesaid, and any person who violates the provisions of section 9 or 10 shall be guilty of a Class E Crime, as defined in the Revised Statutes, Title 17-A.

Sec. 9. Free access to premises. The officers or agents of the district shall have free access to all premises served by its sewers at all reasonable hours to permit the inspection of plumbing and sewerage fixtures, to ascertain the amount of sewerage discharged and the manner of discharge and to enforce the provisions of this charter and the rules and regulations which may be prescribed hereunder.

Sec. 10. Buildings to connect with sewer if available. Every building in the district intended for industrial, business or recreational use or for human habitation or occupancy which is located within 100 feet of a public sewer on property abutting on a street or way in which there is a public sewer, or any building within 100 feet of a public sewer, shall have a house drainage system which shall be caused to be connected with the sewer by the owner of 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 house or building. Existing buildings which are already served by a satisfactory private sewer system which meets and continues to meet, in the judgment of the trustees, the applicable requirements of the State Plumbing Code and all applicable laws and ordinances shall not be required to connect with the public sewer.

Sec. 11. Rights and obligations of abutters or others to enter. Any person may enter his private drain into any sewer of the district while the same is under construction and before completion of the sewer at the point of entry and before an entrance charge is established on obtaining a permit in writing from the trustees, 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 drain into the sewer until he has paid the entrance charge and obtained a permit in writing from the trustees as aforesaid. All permits shall be recorded by the clerk of the district in its records before the same are issued.

Sec. 12. Board of trustees. All the affairs of said district shall be managed by a board of 3 trustees, resident of the municipality, who shall be appointed by the municipal officers of the Town of Brownville. They shall hold office as hereinafter provided and until their respective successors are appointed and qualified. Whenever the term of office of a trustee expires, the municipal officers of the Town of Brownville shall appoint a successor to serve the full term of 3 years, and in case of any other vacancy arising from any cause, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of the municipality, his office as trustee shall be declared vacant. None of the selectmen of the Town of Brownville shall serve as a member of the board of trustees of the district.

Sec. 13. Trustees, how elected; meetings; officers; vacancies filled for the

unexpired term. The first board of trustees shall be appointed within 10 days after the acceptance of this Act by the voters of the district, 1 to serve until the 1st annual meeting of the district, 1 until the 2nd and 1 until the 3rd such meeting. Thereafter, 1 member shall be appointed at the time of each annual meeting to serve for a term of 3 years. As soon as convenient after their appointment, the trustees first appointed shall hold a meeting at some convenient place in the district to be called by any member thereof, in writing, designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided that they may meet by agreement and waiver without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and bylaws, and perform any other acts within the powers delegated to them by law. As necessary, they may choose agents and other needful officers who shall serve at their pleasure, and whose compensation shall be fixed by said trustees. They shall choose annually a treasurer to serve for a term of 1 year, fix the treasurer's salary and fill vacancies in that office. The treasurer shall furnish a bond, issued in such sum by a surety company as the trustees may approve, and the expense of securing the bond is to be borne by the district. Members of the board shall be eligible to any office under the board, but shall not receive any compensation therefore, except as trustees, unless authorized by vote of the municipal officers of the Town of Brownville.

The compensation of the trustees shall be determined by the municipal officers.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk pro tempore. They shall make and publish an annual report which shall also contain a report of the treasurer.

Sec. 14. Annual meeting of district; qualification of voters of district. The annual meeting of the district shall be held within the district on the 1st Monday of February, at such hour and place as may be designated by resolution of the board of trustees as provided in the bylaws. Notice thereof, signed by the chairman or clerk of the board, shall be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting.

Sec. 15. Trustees granted certain powers of selectmen. The trustees shall have the same powers and perform the same duties as otherwise are exercised and performed the selectmen of towns in correcting and preparing lists of the persons qualified to vote in the district, and for that purpose they shall be in session at the place designated for holding the meeting between the hours of 10 o'clock in the forenoon and 12 o'clock noon on the secular day next before the date of every meeting, and also 2 hours before the opening of the meeting, and notice thereof shall be given in the call of the meeting. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

Sec. 16. District and town authorized to make contracts. The district through its trustees is authorized to contract with persons and corporations, including the Town of Brownville, and the Town of Brownville is authorized to contract with it, for the supply of water and sewerage facilities for the municipal purposes.

Sec. 17. Special meetings; qualifications of voters of district. Special meetings of the district may be called by the board of trustees at any time, and notice of special meetings, stating the place and time thereof and the business to be transacted thereat, shall be signed by the chairman or clerk of the board of trustees and shall be conspicuously posted in at least 2 public places within the district, not less than 7 days, inclusive of Sundays, before the meeting. Twenty-five persons qualified to vote in the meetings shall constitute a quorum. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings. After the referendum for acceptance of this charter, the trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in the districts, and for that purpose they shall be in session at the office of the water and sewer district between the hours of 10 o'clock in the forenoon and 12 o'clock noon of the secular day next before the date of every meeting and 2 hours next before the opening of the meeting; and notice thereof shall be given in the call for the meeting. All persons resident in the district and qualified to vote for Governor under the laws of this State shall be entitled to vote in any meeting of the district. The Brownville Junction Water District shall not increase any sewer rate, toll or other lawful charge without first holding a public hearing at which any person, firm or corporation which pays such rates, tolls or charges to the utilities district may testify and may question the officials present regarding the proposed increase. The district shall, at least 14 days prior to the hearing, publish a notice of the date, time, place and prupose of the hearing in a newspaper in general circulation in the area encompassed by the utilities district.

Sec. 18. Authorized to borrow money, to issue bonds and notes. For accomplishing the purpose of this Act, the district, by vote of its boards of trustees, without district vote except as hereinafter provided, is authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the prupose of renewing and refunding the indebtedness so created, or paying any necessary expenses and liabilities incurred under the provisions of this Act, and in acquiring properties, paying damages, laying pipes, mains, sewers, drains and conduits, purchasing, constructing, maintaining and operating a water system and a sewerage system and making renewals, additions, extensions and improvements to the system and to cover interest payments during any period of construction, the district by votes of its board of trustees, without district vote except as hereinafter provided, is also authorized to issue, from time to time,

bonds, notes or other evidences of indebtedness of the district in the amount or amounts, not exceeding the sum of \$250,000 outstanding at any one time, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided that in the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a water system or sewerage system or part thereof, for renewal or additions or for other improvements in the nature of capital costs, the estimated cost of which, singly or in the aggregate included in any one financing is \$30,000 or more, or for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized shall be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Brownville. No debt may be incurred under the vote of the trustees until the expiration of 7 full days following the date on which the notice was first published. Prior to the expiration of the period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call a special district meeting, if within 7 days following the publication of the notice, there shall have been filed with the clerk of the district a petition or petitions signed by not less than 50 qualified voters of the district requesting that a special meeting be called. If at the district meeting a majority of voters present and voting thereon expresses disapproval of the amount of debt authorized by the trustees, the debt shall not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. The bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and beginning not later than 2 years from the date thereof, or may be issued with equal annual payments, applied first to interest and the balance to principal, or made to run for such periods as the trustees may determine, but no issue shall run for a longer period than 40 years from the date of original issue. 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. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Brownville Junction Water District," shall be signed by the treasurer and countersigned by the chairman of the board of 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 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 as amended, and all provisions of this section shall be applicable thereto. The district may, from time to time, issue 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 and empowered to enter into agreements with the State or Federal Government, or any agency of either or any corporation, commission or board authorized by the State or Federal Government 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 government agency, corporation, commission or board as may be necessary or desirable to enforce this Act. All notes and bonds with the maturity of more than one year, in connection with the water system only, shall first be approved by the Public Utilities Commission.

Sec. 19. Sinking fund provided for. In case any of the bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of the district for the purpose of redeeming the bonds or notes when they become due and a sum equal to not less than 1% of the aggregate principal of the outstanding bonds or notes issued on account of or in behalf of the district, as aforesaid, shall be turned into the sinking fund each year to provide for the final extinguishment of the district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of the notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of the district become due or can be purchased by the trustees on favorable terms, the trustees may, if sufficient funds have accumulated in the sinking fund, redeem or purchase the bonds and cancel them. In no case shall bonds so canceled or redeemed be reissued.

In case the amount in the sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of the bonds as cannot be redeemed from the sinking fund is granted to the trustees.

In the event that the district, with the approval of bond counsel or a bonding organization, establishes a payment schedule that does not require the use of a sinking fund, the provisions of this section shall not apply.

Sec. 20. Water and sewer rates; application of revenue. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of the district the separate water and sewer rates established by the board of trustees for the service or services used by them, and shall so pay the tolls, rents, entrance charges and other lawful charges established by the trustees for the

sewer and drainage service used or available to their real estate. These sewer rates may include rates for the district's readiness to serve, charged against owners of real estate on which is or are located a building or buildings whose drainage system should be connected to the district sewer system pursuant to section 11, although the buildings are not in fact connected. Rates, tolls, rents and entrance charges shall be uniform whenever the cost to the district of installation and maintenance of water mains and of sewers and their respective appurtenances and the cost of service is substantially uniform: But nothing in this Act 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 water and sewer rates, tolls, rents and entrance charges shall be so established as to provide revenue for the following purposes:

- A. Expenses. To pay the current expenses for operating and maintaining the water and sewerage systems;
- B. Interest. To provide for the payment of interest on the indebtedness created by the district;
- C. Sinking fund. 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 used to pay serial bonds or notes when due or be turned into a sinking fund and there kept to provide for the extinguishment of the indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of the water and sewer district and invested in such securities as savings banks in this State are allowed to hold; and
- D. Surplus. If any surplus remains at the end of the year, it may be turned into the sinking fund or used for such other purposes of the district as the trustees may determine.

The water rates, tolls, charges and rents shall be subject to the approval of the Public Utilities Commission, unless the district qualifies to be exempt from rate review by the commission according to Public Law 1977, chapter 75.

Sec. 21. Assessment against lot benefited. When the district has constructed and completed a 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, whether or not buildings or other structures are located thereon or whether or not they are otherwise improved, are benefited by the sewer, and estimate and assess upon the lots and parcels of land and against the owner thereof, or person in

possession or against whom taxes are assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, the sum not exceeding the benefit as they may deem just and equitable towards defraying the expenses of constructing and completing the sewer, together with the sewage disposal units and appurtenances as may be necessary, the whole of the assessments not to exceed $\frac{1}{2}$ cost of the sewer, sewage disposal units and appurtenances, respectively. The trustees shall file with the clerk of the district the location of the 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 the lots or parcels of land or person against whom the assessment shall be made, and the clerk of the district shall record the same in a book kept for that purpose, and within 10 days after the filing, each person so assessed shall be notified of the assessment by having an authentic copy of the assessment, with an order or notice signed by the clerk of the district, stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the district. If he has no place of abode in the district, then the notice shall be given or left at the abode of his tenant or lessee, if he has one in the district. If he has no tenant or lessee in the district, then the notice shall be posted in some conspicuous place in the vicinity of the lot or parcel of land so assessed at least 30 days before the hearing or the notice may be given by publishing the same once a week, for 3 successive weeks, in any newspaper of general circulation in the district, the first publication to be at least 30 days before the hearing. A return made upon a copy of the notice by any constable in the district or the production of the paper containing the notice shall be conclusive evidence that the notice has been given. Upon the hearing, the trustees shall have power to revise, increase or diminish any of the assessments and all revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

Sec. 22. Right of appeal. Any person aggrieved by the decision of the trustees as it relates to any assessment for sewer construction shall have the same rights of appeal as are provided in the case of laying out of town ways.

Sec. 23. Assessments; lien; sheriff's sale. All assessments made under section 21 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. Within 10 days after the date of hearing on the assessment, the clerk of the district shall make out a list of all the assessments, the amount of each and the name of the person against whom the same is assessed, and he shall certify the list and deliver it to the treasurer of the district. If the assessments are not paid within 3 months from the date thereof, the treasurer may bring an action of debt

for the collection of the assessment in the name of the district against the person whom the assessment is made. The action shall be begun by writ of attachment commanding the officer serving it to specially attach the real estate upon which the lien is claimed, which shall be served as other writs of attachment to enforce liens on real estate. The declaration in that action shall contain a statement of the assessment, a description of the real estate against which the assessment is made and an allegation that a lien is claimed on the 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 the real estate, the court shall order such further notice of the action as appears proper and shall allow the other persons to become parties thereto. If it shall appear upon trial of the action that the assessment was legally made against the real estate and is unpaid and that there is an existing lien on the real estate for the payment of the assessment, judgment shall be rendered for the assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution issued thereon to be enforced by sale of the real estate in the manner provided for a sale on execution of real estate attached on original writs; provided that in making the sale, the officer shall follow the procedure in selling and conveying and there shall be the same right of redemption as are provided in the Revised Statutes of 1964, Title 36, section 941, as amended.

Sec. 24. Additional method of collection of assessments. If assessments under section 21 are not paid, and the district does not proceed to collect unpaid assessments by a sheriff's sale of the real estate upon which the assessments are made under section 23 or does not collect or in any manner is delayed or defeated in collecting the assessments by a Sheriff's sale of the real estate under section 23, then the treasurer, in the name of the district, may maintain an action against the party so assessed for the amount of the assessment, as for the money paid, laid out and expended, in any court of competent jurisdiction, and in the suit may recover the amount of the assessment, with 10% interest on the same from the date of the assessment and costs.

Sec. 25. Assessments paid by other than owner; how recovered. When any assessment under section 21 shall be paid by any person against whom the assessment has been made, who is not the owner of the lot or parcel of land, then the person so paying the same shall have a lien upon the lot or parcel of land with the buildings thereon for the amount of the assessment so paid by the person and incidental charges, which lien shall continue for one year and which lien may be enforced in an action of assumpsit as for money paid, laid out and expended, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under the Revised Statutes of 1964, Title 10, section 3251, as amended.

Sec. 26. Lien for payment of rates. There shall be a lien on real estate served or benefited by the sewer systems of the district to secure the payment of rates established and due under section 20, which shall take precedence of all other claims on the real estate, excepting only claims for taxes. Real estate for the purposes of this charter shall have the same definition as given in the Revised Statutes of 1964, Title 36, section 551, as amended.

The treasurer of the district shall have full and complete authority and power to collect the sewer rates, tolls, rents and other charges established under section 20 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in an action of assumpsit for any rate, toll, rent or other charges 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 for the same as aforesaid, the lien hereby created may be enforced in the following manner. The treasurer, when a sewer 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 the 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 the 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 the rate, toll, rent or other charge, describing the real estate upon which the lien is claimed, and stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding within 30 days after the service of the notice payment as aforesaid. In the case of a nonresident of the district, the aforesaid notice shall be given by registered mail addressed to his last know 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. After the expiration of the period of 30 days and within one year thereafter, the treasurer may record in the registry of deeds of Piscataquis County a certificate signed by the treasurer setting forth the amount of the 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 the 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 the 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 the certificate and shall mail a true copy thereof by registered mail to each record holder of any mortgage on the real estate, addressed to the record holder at his last and usual place of abode. The fee to be charged by the district to the ratepayer for the 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 the 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 the 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 the 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 is provided for discharge of real estate mortgages.

Sec. 27. Construction of this Act; bylaws and regulations authorized; incidental powers and rights. This Act shall be construed as authorizing a charge by the district for the use of its water system, sewers, sewer systems and treatment works in addition to any other assessments now lawfully imposed by general law. The trustees may adopt rules and regulations as may be necessary or convenient to carry out the provisions of this Act. All incidental powers, rights and privileges necessary to the accomplishment of the main objects of this Act as set forth herein are granted to the district; including the right of the trustees to determine when and where sewerage facilities and additional water facilities are most needed and when and how sewers and water mains shall be built.

Sec. 28. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

Sec. 29. Property tax exempt. The real and personal property, rights and franchises of the district shall be forever exempt from taxation.

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 new draft is to enable the Brownville Junction Water District to perform its duties without jeopardizing the public welfare. Since the charter of the water district is roughly 30 years old, it is necessary to revise the

charter to be consistent with the duties that the district performs. The Brownville Junction Water District is also a sewerage district. The existing charter does not provide the necessary powers and adequate public safeguards required for the district to operate as a water and sewerage district.

In addition to permitting the district to issue refunding bonds, the following changes have been made.

1. The power of eminent domain and the procedure for condemnation of property has been made consistent with recent legislation pertaining to eminent domain.

2. The district is required to hold a public hearing prior to any increases in sewerage rates.

3. The district is empowered to assess property for the construction of a sewerage system.

4. The district is provided with the authority to file liens on property for unpaid sewerage district assessments and rates.

5. A debt limit of \$250,000 is established.

6. The trustees of the district establish the rate of compensation for the treasurer, and the municipal officers establish the compensation rate for the trustees of the district.

7. District trustees are required to be residents of the municipality of Brownville.