

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 334

H. P. 290

House of Representatives, January 20, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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

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

**Sec. 1.** P&SL 1951, c. 63, § 3, first ¶, last 2 sentences, as repealed and replaced by P&SL 1967, c. 63, § 2, are repealed and the following enacted in their place:

**In the event a vacancy arises in the membership of the board of trustees, the vacant office shall be filled by the municipal officers until the next regular municipal election at which a trustee shall be elected to fill the unexpired term. All trustees are eligible to reelection, but municipal officers of the Town of York are not eligible to nomination or election as trustees.**

**Sec. 2.** P&SL 1951, c. 63, § 3, 2nd ¶, as repealed and replaced by P&SL 1967, c. 63, § 2, is repealed and the following enacted in its place:

**After each annual municipal election of the Town of York, the trustees shall organize by the election of a chairman, vice-chairman, treasurer and clerk. The trustees may adopt a corporate seal, and, when necessary, may choose other needful officers and agents for the proper conduct and management of the affairs of the district. They may also ordain and establish such bylaws as are necessary. The trustees may procure an office and incur such expenses as may be necessary. The trustees shall receive such compensation, not in excess of \$500 per year, as they may determine; but the chairman and treasurer may be allowed such additional compensation as the trustees shall determine. At the close of each**

fiscal year, the trustees shall make a detailed report of their doings, of the receipts and expenditures of the sewer district, of its financial and physical condition and of other matters and things pertaining to the district and show the in-habitants thereof how the trustees are fulfilling the duties and obligations of their trust. This report is to be made and filed with the municipal officers.

Sec. 3. P&SL, 1951 c. 63, § 8, 2nd ¶ is repealed and the following enacted in its place:

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 the district, shall have a sanitary sewer or drainage system which shall be caused to be connected with the 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 further time as the trustees of the district may grant, and, if feasible, with a separate connection for each building. A building is deemed to be accessible to a sewer or drain of the district for purposes of this section if the 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 100 feet of a sewer or drain of the district; provided that nothing in this section may require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection. The officers or agents of the district shall have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce the provisions of this chapter and the rules and regulations prescribed by the trustees of the district.

Sec. 4. P&SL 1951, c. 63, § 9 is repealed and the following enacted in its place:

Sec. 9. Contracts authorized. The district is authorized to contract with persons, corporations, districts, the Town of York and other municipalities, both inside and outside the boundaries of the district, and with the State of Maine and the United States Government or any agency of either, provide for disposal of sewage and commercial and industrial waste water through the district's system and through the system of any such person, corporation, district or other municipality; and every other district and municipality of the State may contract with the district for the collection, distribution, treatment and disposal of sewage and commercial and industrial waste water, and for those purposes any such municipality may raise money as for other municipal charges.

Sec. 5. P&SL 1951, c. 63, § 12 is repealed.

Sec. 6. P&SL 1951, c. 63, §§ 13, 14 and 15 are renumbered to be sections 12, 13 and 14, respectively.

Sec. 7. P&SL 1951, c. 63, § 16, as last amended by PL 1971, c. 160, is renumbered to be section 15.

**Sec. 8.** P&SL 1951, c. 63, § 17, as amended by PL 1955, c. 70, § 3, is renumbered to be section 16.

**Sec. 9.** P&SL 1951, c. 63, § 18, as repealed and replaced by PL 1955, c. 70, § 4, is renumbered to be section 17.

**Sec. 10.** P&SL 1951, c. 63, § 19, as amended by P&SL 1979, c. 76, is renumbered to be section 18.

**Sec. 11.** P&SL 1951, c. 63, §§ 23 and 24, as renumbered by P&SL 1955, c. 70, § 7, are further renumbered to be sections 19 and 20.

**Sec. 12.** P&SL 1951, c. 63, § 25, as renumbered by PL 1955, c. 70, § 7, and as repealed and replaced by P&SL 1967, c. 63, § 6, is further renumbered to be section 21.

**Sec. 13.** P&SL 1951, c. 63, § 23, as enacted by PL 1967, c. 63, § 7, is renumbered to be section 22.

**Sec. 14.** P&SL 1951, c. 63, § 23, is enacted to read:

**Sec. 23. Amendments.** Upon adoption of a resolution of the trustees proposing an amendment to the charter, the municipal officers shall submit the proposed amendment to the voters of the town at an election. This election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least 30 days prior to the date of election. The election shall be held not less than 60 nor more than 120 days after the adoption of the resolution by the trustees. The form of the ballot shall be as specified by the general law for the amendment of municipal charters.

If a majority of the qualified voters of the town voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is fixed in the amendment, 30 days after its adoption by the voters.

#### STATEMENT OF FACT

The purpose of this bill is to update the charter of the York Sewer District by allowing increases in compensation to the trustees, clarifying certain sections and adding a section for home rule changes to the charter.