

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)

1
2

L.D. 707
(Filing No. H- 471)

3
4
5
6

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

7
8
9

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707,
Bill, "AN ACT to Amend the Charter of the York Sewer
District."

10
11
12
13

Amend the bill by striking out the title and in-
serting in its place the following: 'AN ACT to Revise
and Modernize the Charter of the York Sewer Dis-
trict.'

14
15
16

Further amend the bill by striking out everything
after the enacting clause and inserting in its place
the following:

17
18

'Sec. 1. P&SL 1951, c. 63, as amended, is re-
pealed and the following enacted in its place:

19
20
21
22
23
24
25
26
27
28
29
30
31

Sec. 1. Territorial limits; corporate name; pur-
poses. The territorial limits of the Town of York and
the people within the territorial limits are made and
declared to be a public sewerage district and a qua-
si-municipal corporation under the name of "York Sew-
er District" and shall be a system of public sewerage
constructed, maintained and operated for the public
health and welfare and for the benefit of the inhabi-
tants and of the property in the district served by
the sewerage facility, in the manner, with the
rights, duties and immunities set forth in this Act.
Amendments to extend the boundaries of the district
must be approved by the voters of the district.

32
33
34
35
36
37
38

Sec. 2. Authority to construct and maintain.
Within its territory, the York Sewer District is au-
thorized to lay pipes, drains, sewers and conduits
and to take up, repair and maintain them or to con-
tract for that to be done, in and along and through
the public ways, private ways and public grounds, and
through lands of any person or corporation as pro-

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 vided in this Act, to and into tidal waters or
2 filtration plants or into any drain or sewer now or
3 hereinafter built which empties into tidal waters or
4 into any filtration plant, the discharge therefrom to
5 be at such points consistent with the requirements of
6 public health, environment and public welfare as
7 shall be found convenient and reasonable for the dis-
8 trict and the flow of existing water courses; also to
9 construct and maintain filtration plants, pumping
10 stations, basins, reservoirs, flush tanks and such
11 other appliances for collecting, holding, purifying,
12 distributing and disposing of sewage matter and sur-
13 face or waste waters as may be necessary and proper;
14 and in general do any or all things incidental to ac-
15 complish the purposes of this Act.

16 Sec. 3. Election of trustees; terms of office;
17 meetings; bylaws; compensation; annual reports. All
18 the affairs of the district shall be managed by a
19 board of trustees composed of 5 members who shall be
20 residents of the Town of York and elected as provided
21 in this Act. The trustees of the district holding of-
22 fice on the effective date of this Act shall continue
23 to hold office until their terms expire. At each an-
24 nual municipal election of the Town of York, the vot-
25 ers shall elect a trustee of the district for a term
26 of 5 years. These trustees shall be nominated and
27 elected under the same procedure as provided for the
28 municipal officers of the town. In the event a vacan-
29 cy arises in the membership of the board of trustees,
30 the vacant office shall be filled by the municipal
31 officers until the next regular municipal election,
32 at which a trustee shall be elected to fill the unex-
33 pired term. All trustees shall be eligible for re-
34 election, but municipal officers of the Town of York
35 shall not be eligible for nomination or election as
36 trustees.

37 After each annual municipal election of the Town
38 of York, the trustees shall organize by the election
39 of a chairman, vice-chairman, treasurer and clerk.
40 The trustees may adopt a corporate seal and, when

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 necessary, may choose other needful officers and
2 agents for the proper conduct and management of the
3 affairs of the district. They may procure an office
4 and incur such expenses as may be necessary.

5 The trustees shall receive compensation as recom-
6 ended by them and approved by majority vote of the
7 municipal officers in the Town of York, including
8 compensation for any duties they perform as officers,
9 as well as for their duties as trustees. Certifica-
10 tion thereof shall be recorded with the Secretary of
11 State and recorded in the bylaws. Their compensation
12 for duties as trustees shall be on the basis of such
13 specified amount as may be specified in the bylaws,
14 for each meeting actually attended and reimbursement
15 for travel and expenses, with the total not to exceed
16 such specific amount as may be specified in the by-
17 laws. Compensation schedules in effect on January 1,
18 1982, shall continue in effect until changed.

19 At the close of each fiscal year, the trustees
20 shall make a detailed report of their doings, of the
21 receipts and expenditures of the sewer district, of
22 its financial and physical condition and of other
23 matters and things pertaining to the district and
24 show the inhabitants how the trustees are fulfilling
25 the duties and obligations of their trust. This re-
26 port is to be filed with the municipal officers.

27 Trustees who have not been members of the Maine
28 State Retirement System prior to January 1, 1982, as
29 a result of their selection as trustees and who are
30 not full-time employees, shall not be eligible to
31 join the Maine State Retirement System as a result
32 of their selection as trustees.

33 Sec. 4. Eminent domain. The authority and proce-
34 dures for the exercise of eminent domain by the York
35 Sewer District shall conform to the Maine Revised
36 Statutes, Title 38, sections 1152, 1152-A, 1153 and
37 1154. In addition, the York Sewer District may not
38 take by right of eminent domain any of the property

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 or facilities of any other public utility used or ac-
2 quired for future use by the owner thereof, in the
3 performance of a public duty, unless expressly autho-
4 riized by a special Act of the Legislature.

5 Sec. 5. Crossing other public utilities. If any
6 sewer line of the sewer district crosses the property
7 or line of any other public utility, unless consent
8 is given by the other public utility as to place,
9 manner and conditions of the crossing within 30 days
10 after consent is requested by that district, the Pub-
11 lic Utilities Commission shall determine the place,
12 manner and conditions of the crossing and all work on
13 the property of that public utility shall be done un-
14 der the supervision and to the satisfaction of the
15 public utility, but at the expense of the district.
16 If any sewer line of the sewer district as provided
17 in this section crosses the property or line of any
18 railroad corporation, the procedure shall be the same
19 as stated in this section, except that the Department
20 of Transportation shall be substituted for the Public
21 Utilities Commission.

22 Sec. 6. Rights and obligations of abutters or
23 others to enter. Any person may enter his private
24 sewer into any sewer of the district while it is un-
25 der construction and before completion and before as-
26 sessments for an entrance charge are made, on obtain-
27 ing a permit in writing from the trustees, but after
28 the sewer is completed and the assessments are made,
29 no person may enter his private sewer into that sewer
30 until he has paid his assessment and obtained a per-
31 mit in writing from the trustees. All such permits
32 shall be recorded by the clerk of the district in its
33 records before the permits are issued.

34 Every building in the district intended for human
35 habitation or occupancy or with facilities for dis-
36 charge or disposal of sewage or commercial or indus-
37 trial waste, which is accessible to a sewer or drain
38 of the district, shall have a sanitary sewer or
39 drainage system which shall be caused to be connected

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 with that sewer or drain of the district by the owner
2 or person against whom taxes on the premises are as-
3 essed, in the most direct manner possible, within 90
4 days after receiving a request therefor from the dis-
5 trict, or within such further time as the trustees of
6 the district may grant and, if feasible, with a sepa-
7 rate connection for each such building.

8 Existing buildings which are already served by a
9 private sewer system are not required to connect with
10 any sewer or drain of the district as long as the
11 private sewer or drainage system functions in a sat-
12 isfactory and sanitary manner and does not violate
13 any law or ordinance or any applicable requirements
14 of the State of Maine Plumbing Code, as determined by
15 the municipal plumbing inspector, his alternate or,
16 in the event that both are trustees or employees of
17 the district, the Division of Health Engineering.

18 A building is deemed to be accessible to a sewer
19 or drain of the district for the purposes of this
20 section if that building, or any private sewer or
21 drain directly or indirectly connected thereto or
22 carrying sewage or commercial or industrial waste
23 therefrom, shall at any point be or come within 200
24 feet of a sewer or drain of the district; provided
25 that nothing in this section may require the owner of
26 any such building to acquire any real property or
27 easement therein for the sole purpose of making the
28 connection.

29 The officers or agents of the district shall have
30 free access to all premises served by its sewers, at
31 all reasonable hours, for inspection of plumbing and
32 sewage fixtures, to ascertain the quality and quanti-
33 ty of sewage discharged and the manner of discharge
34 and to enforce this chapter and the rules prescribed
35 by the trustees of the district.

36 Sec. 7. Contracts authorized. The district is
37 authorized to contract with persons, corporations,
38 districts, the Town of York and other municipalities,

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 both inside and outside the boundaries of the dis-
2 trict, and with this State and the Federal Government
3 or any agency of either, to provide for disposal of
4 sewage and commercial and industrial waste water
5 through the district's system and through the system
6 of any such person, corporation, district or other
7 municipality; and every other district and municipal-
8 ity of the State may contract with the district for
9 the collection, distribution, treatment and disposal
10 of sewage and commercial and industrial waste water
11 and for those purposes any such municipality may
12 raise money as for other municipal charges.

13 Sec. 8. Excavation or repair work; closing of
14 ways. Whenever the district enters, digs up or exca-
15 vates any public way or other land for the purpose of
16 laying its sewers or pipes, constructing manholes or
17 catch basins or their appurtenances or maintaining
18 the same, or for any other purpose, the work shall be
19 expeditiously done with the least possible interrup-
20 tion and, on completion of the work, the district
21 shall restore the way or land to the condition it was
22 in prior to that work or to a condition equally as
23 good.

24 Whenever the character of the work is such as to
25 endanger travel on any public way, the municipal of-
26 ficers of the Town of York may order a temporary
27 closing of that way and of any intersecting way upon
28 request of the district and the way shall remain
29 closed to public travel until the municipal officers
30 deem it is restored to a condition safe for traffic.

31 Sec. 9. Violations. Any person who places, dis-
32 charges or leaves any offensive or injurious matter
33 or material on or in the sewer conduits, catch basins
34 or receptacles of the district contrary to its regu-
35 lations or knowingly injures any conduit, pipe, res-
36 ervoir, flush tank, catch basin, manhole, outlet, en-
37 gine, pump or other property held, owned or used by
38 the district for sewer purposes shall be liable to
39 pay twice the amount of the damages to the district,

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 to be recovered in any proper action; and that person
2 is guilty of a Class E Crime.

3 Sec. 10. Property tax exempt. The property,
4 rights and franchises of the district shall be forev-
5 er exempt from taxation.

6 Sec. 11. Bonds. The district, for the purposes
7 of accomplishing its objectives, of paying and re-
8 funding its indebtedness, of paying any necessary ex-
9 penditures and liabilities incurred under this Act, in-
10 cluding organizational and other necessary expenses
11 and liabilities whether incurred by the district or
12 any municipality in the district, the district being
13 authorized to reimburse any municipality in the dis-
14 trict for any such expenses incurred or paid by it,
15 and in acquiring properties, paying damages, laying
16 sewers, drains and conduits, constructing, maintain-
17 ing and operating sewage and treatment plants or sys-
18 tems and making renewals, additions, extensions and
19 improvements to the same and to cover interest pay-
20 ments during the period of construction, by resolu-
21 tions of its board of trustees, without district
22 vote, except as provided in section 12, is authorized
23 to borrow money and issue, from time to time, bonds,
24 notes or other evidences of indebtedness of the dis-
25 trict in one series or in separate series, in such
26 amount or amounts, bearing interest at such rate or
27 rates and having such terms and provisions as the
28 trustees shall determine. Any such bonds, notes and
29 evidences of indebtedness may be issued to mature se-
30 rially or made to run for such periods as the trust-
31 ees may determine. Bonds, notes or evidences of in-
32 debtedness may be issued with or without provisions
33 for calling the same prior to maturity and, if calla-
34 ble, may be made callable at par or at such premium
35 as the trustees may determine. All bonds, notes and
36 other evidences of indebtedness shall be signed by
37 the treasurer and countersigned by the chairman of
38 the board of trustees of the district and, if coupon
39 bonds are issued, the interest coupons attached
40 thereto shall bear the facsimile of the signature of

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 the treasurer. All such bonds, notes and evidences of
2 indebtedness so issued by the district shall be legal
3 obligation of the district and the district is de-
4 clared to be a quasi-municipal corporation within the
5 meaning of the Maine Revised Statutes, Title 30, sec-
6 tion 5053. Subject to the provisions of this section,
7 the district may, from time to time, issue, in one
8 series or in separate series, its bonds, notes and
9 other evidences of indebtedness for the purpose of
10 paying, redeeming or refunding outstanding bonds,
11 notes or evidences of indebtedness and each autho-
12 rized issue shall constitute a separate loan. All
13 bonds, notes and evidences of indebtedness issued by
14 the district shall be legal investments for savings
15 banks in the State and shall be tax exempt.

16 The district may enter into agreements with the
17 State or Federal Government, or any agency of either,
18 or any municipality, corporation, commission or board
19 authorized to grant or loan money to or otherwise as-
20 assist in the financing of projects such as the dist-
21 trict is authorized to carry out and to accept grants
22 and borrow money from any such government, agency,
23 municipality, corporation, commission or board as may
24 be necessary or desirable to accomplish the purposes
25 of the district.

26 Sec. 12. Certain bond issues; special meeting;
27 vote. In the event that the trustees vote to autho-
28 rize bonds or notes, for any of the corporate pur-
29 poses of the sewer district, excluding notes payable
30 within one year, notes in anticipation of bonds au-
31 thorized pursuant to this section, notes in anticipa-
32 tion of the revenues to be collected or received in
33 any year or notes in anticipation of the receipt of
34 approved federal or state grants, the authorized
35 amount of which, singly or in the aggregate included
36 in any one financing, is \$150,000 or more, the trust-
37 ees shall call a special district meeting for the
38 purpose of permitting the collection of testimony
39 from the public concerning the purpose and the amount
40 of debt so authorized. Notice of the special district

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 meeting, stating the approximate amount of the debt
2 and the purpose for which it is being issued, shall
3 be published not less than 7 full days prior to the
4 date of the meeting in a newspaper having general
5 circulation in the district and shall be mailed to
6 each ratepayer in the district not later than the
7 date of the publication. No debt may be incurred un-
8 der the vote of the trustees until the expiration of
9 7 full days following the date of the special dis-
10 trict meeting.

11 Except for debt to fund that part of any project
12 which has been approved for grant financing by the
13 State Government or Federal Government to meet the
14 requirements of the United States Clean Water Act,
15 United States Code, Title 33, Section 1251 et seq.,
16 including any related facilities not eligible for
17 that financing but essential to the operation of the
18 approved project as an integral system, for debts in
19 excess of the amount specified in this section, the
20 following petition and referendum procedure shall ap-
21 ply. If, on or before the 7th day following the date
22 of the special district meeting, a petition signed by
23 at least 5%, but not less than 50, of the registered
24 voters of the district is filed with the clerk of the
25 district requesting reference of the vote of the
26 trustees to referendum, the clerk of the district
27 shall call and hold a special election of the voters
28 of the district for the purpose of submitting to ref-
29 erendum vote a question of approving the vote of the
30 trustees. The vote of the trustees shall be suspended
31 until it has received approval by vote of a majority
32 of the voters of the district voting on the question
33 at the special election.

34 Sec. 13. Rates and other charges. All persons,
35 firms and corporations, whether public, private or
36 municipal, shall pay to the treasurer of the district
37 the rates, tolls, rents, entrance charges and other
38 lawful charges established by the trustees for the
39 sewer service used or available to them, which rates
40 shall include rates for the district's readiness to

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 serve charged against the owners of real estate,
2 abutting on or accessible to sewers of that district,
3 but not actually connected to those sewers, whether
4 or not the real estate is improved. The words "other
5 lawful charges" or "other charges" shall include, but
6 not be limited to, interest on delinquent accounts at
7 a rate not to exceed the highest lawful rate set by
8 the Treasurer of State for municipal taxes.

9 Rates, tolls, rents and entrance charges shall be
10 uniform within the territory supplied by the district
11 whenever the installation and maintenance of sewers
12 or their appurtenances and the cost of service is
13 substantially uniform; but nothing in this Act may
14 preclude the district from establishing a higher
15 rate, toll, rent or entrance charge than the regular
16 rates, tolls, rents and entrance charges in sections
17 where, for any reason, the cost of construction and
18 maintenance or the cost of service exceeds the aver-
19 age, but these higher rates, tolls, rents and charges
20 shall be uniform throughout the sections where they
21 apply.

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

25 1. To pay the current expenses for operating and
26 maintaining the sewerage and treatment system;

27 2. To provide for the payment of the interest
28 and principal on the indebtedness created by the dis-
29 trict;

30 3. To provide each year a sum equal to not less
31 than 1% nor more than 5% of the entire indebtedness
32 created by the district, which sum shall be turned
33 into a sinking fund and there kept to provide for the
34 extinguishment of the indebtedness. Money set aside
35 for the sinking fund shall be devoted to the retire-
36 ment of the obligations of the sewer district or in-
37 vested in such securities as savings banks in this

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 State are allowed to hold; and

2 4. If any surplus remains at the end of the
3 year, it may be turned into the sinking fund.

4 Prior to the adoption of a new rate schedule, the
5 trustees shall hold a public hearing regarding the
6 proposed rate schedule. The trustees shall publish
7 the proposed rates and notice of the hearing not less
8 than once in a newspaper having a general circulation
9 in the district not less than 7 days prior to the
10 hearing. The district shall mail to each ratepayer a
11 notice of the public hearing and the proposed new
12 rate at least 14 days prior to the hearing.

13 Sec. 14. Assessments. When the district has con-
14 structed and completed a common sewer, the trustees
15 may, if they so determine, in order to defray a por-
16 tion of the expense, determine what lots or parcels
17 of land are benefited by that sewer and estimate and
18 assess upon those lots and parcels of land and
19 against the owner, or person in possession or against
20 whom taxes are assessed, whether the person to whom
21 the assessment is made is the owner, tenant, lessee
22 or agent and whether the same is occupied or not,
23 such sum not exceeding the benefit they may deem just
24 and equitable towards defraying the expenses of con-
25 structing and completing the sewer, together with
26 such sewage disposal units and appurtenances as may
27 be necessary, the whole of the assessments not to ex-
28 ceed the cost of the sewer and sewage disposal units.
29 The trustees shall file with the clerk of the dis-
30 trict the location of the sewer and sewage disposal
31 unit, with a profile description of the same and a
32 statement of the amount assessed upon each lot or
33 parcel of land so assessed, a description of each lot
34 or parcel and the name of the owner of the lots or
35 parcels of land or person against whom the assessment
36 shall be made and the clerk of the district shall
37 record the same in a book kept for the purpose and,
38 within 10 days after that filing, each person so as-
39 essed shall be notified of the assessment by having

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 an authentic copy of the assessment, with an order of
2 notice signed by the clerk of the district, stating
3 the time and place for a hearing upon the subject
4 matter of the assessments, given to each person so
5 assessed or left at his usual place of abode in the
6 district; if he has no place of abode in the dis-
7 trict, the notice shall be given or left at the abode
8 of his tenant or lessee if he has one in the dis-
9 trict; if he has no such tenant or lessee in the dis-
10 trict, by posting the notice in some conspicuous
11 place in the vicinity of the lot or parcel of land so
12 assessed, at least 30 days before the hearing or that
13 notice may be given by publishing the same once a
14 week for 3 successive weeks in any newspaper of gen-
15 eral circulation in the district, the first publica-
16 tion to be at least 30 days before the hearing; a re-
17 turn made upon a copy of that notice by any constable
18 in any municipality within the district or by any
19 sheriff or deputy sheriff or the production of the
20 newspaper containing the notice shall be conclusive
21 evidence that the notice has been given and, upon
22 that hearing, the trustees shall have power to re-
23 verse, increase or diminish any of those assessments
24 and all such revisions, increases or diminutions
25 shall be in writing and recorded by the clerk of the
26 district.

27 Any person aggrieved by the decision of the
28 trustees as it relates to any assessment for sewer
29 construction under this section shall have the same
30 rights of appeal as are provided in the case of lay-
31 ing out of town ways.

32 Prior to authorizing any sewer extension, except
33 by specific state or federal mandate, the trustees
34 shall notify the legislative bodies and the planning
35 boards of the affected municipalities in order to as-
36 sure conformity with their comprehensive plans and
37 other public policies relating to their growth and
38 development. The trustees shall publish notice of the
39 proposed action in a newspaper with general circula-
40 tion in the district no less than 7 days prior to the

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 meeting at which they will take final action on the
2 authorization of the extension.

3 Sec. 15. Lien for unpaid assessments. All as-
4 essments made under section 14 shall create a lien
5 upon each and every lot or parcel of land so assessed
6 and the buildings upon the same, which lien shall
7 take effect when the trustees file with the clerk of
8 the district the completed assessment and shall con-
9 tinue for one year thereafter. Within 10 days after
10 the date of hearing on the assessment, the clerk of
11 the district shall make out a list of all those as-
12 essments, the amount of each and the name of the
13 person against whom the same is assessed and he shall
14 certify the list and deliver it to the treasurer of
15 the district. If the assessment is not paid within 3
16 months from the date thereof, the treasurer may bring
17 a civil action for the collection of the assessment
18 in the name of the district against the person
19 against whom the assessment is made and for the en-
20 forcement of the lien. The complaint in that action
21 shall contain a statement of the assessment, a de-
22 scription of the real estate against which the as-
23 essment is made and an allegation that a lien is
24 claimed on the real estate to secure the payment of
25 the assessment. If no service is made upon the de-
26 fendant or it appears that any other persons are in-
27 terested in the real estate, the court shall order
28 such further notice of that action as appears proper
29 and shall allow such other persons to become parties
30 thereto. If it appears upon trial of that action that
31 the assessment was legally made against that real es-
32 tate and is unpaid and that there is an existing lien
33 on the real estate for the payment of that assess-
34 ment, judgment shall be rendered for the assessment,
35 interest and costs of suit against the defendants and
36 against the real estate upon which the assessment was
37 made and execution shall issue thereon to be enforced
38 by sale of that estate in the manner provided for a
39 sale on execution of real estate attached on original
40 process; provided that in making the sale the officer
41 shall follow the procedure in selling and conveying

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 and there shall be the same rights of redemption as
2 provided in the Maine Revised Statutes, Title 36,
3 section 941.

4 Sec. 16. Civil action for unpaid assessments. If
5 assessments under section 14 are not paid and the
6 district does not proceed to collect unpaid assess-
7 ments by proceedings as prescribed in section 15 or
8 does not collect or is in any manner delayed or de-
9 feated in collecting those assessments by proceedings
10 under this section, the district in its name may
11 maintain a civil action against the party so assessed
12 for the amount of that assessment, as for the money
13 paid, laid out and expended, in any court of compe-
14 tent jurisdiction and in that suit may recover the
15 amount of the assessment with 10% interest on the
16 same from the date of that assessment and costs.

17 Sec. 17. Assessment paid by persons other than
18 owner. When any assessment under section 14 is paid
19 by any person against whom that assessment has been
20 made, who is not the owner of that lot or parcel of
21 land, the person so paying the same shall have a lien
22 upon that lot or parcel of land with the buildings
23 thereon for the amount of that assessment so paid by
24 that person and incidental charges, which lien shall
25 continue for one year and which lien may be enforced
26 in a civil action for money paid, laid out and ex-
27 pended and by attachment in the way and manner pro-
28 vided for the enforcement of liens upon buildings and
29 lots under the Maine Revised Statutes, Title 10.

30 Sec. 18. Collection of unpaid rates. There shall
31 be a lien on real estate served or benefited by the
32 sewers of the district to secure the payment of rates
33 established and due under section 13 which shall take
34 precedence over all other claims on that real estate,
35 excepting only claims for taxes.

36 The treasurer of the district shall have full and
37 complete authority and power to collect the rates,
38 tolls, rents and other charges established under sec-

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 tion 13 and the same shall be committed to him. The
2 treasurer may, after demand for payment, sue in the
3 name of the district in a civil action for any rate,
4 toll, rent or other charge remaining unpaid in any
5 court of competent jurisdiction. In addition to other
6 methods established by law for the collection of
7 rates, tolls, rents and other charges and without
8 waiver of the right to sue for the same as aforesaid,
9 the lien hereby created may be enforced in the fol-
10 lowing manner. The treasurer, when a rate, toll, rent
11 or other charge has been committed to him for collec-
12 tion, may, after the expiration of 3 months and with-
13 in one year after the date when the same became due
14 and payable or, in the case of quarterly billing,
15 within one year after the date of the first quarterly
16 billing, give to the owner of the real estate served,
17 or leave at his last and usual place of abode, or
18 send by certified mail, return receipt requested, to
19 his last known address, a notice in writing signed by
20 the treasurer or bearing his facsimile signature,
21 stating the amount of that rate, toll, rent or other
22 charge describing the real estate upon which the lien
23 is claimed and stating that a lien is claimed on the
24 real estate to secure the payment of the rate, toll,
25 rent or other charge and demanding the payment of the
26 rate, toll, rent or other charge within 30 days after
27 service or mailing, with \$1 for the treasurer for
28 mailing the notice together with the certified mail,
29 return receipt requested, fee. The notice shall con-
30 tain a statement that the district is willing to ar-
31 range installment payments of the outstanding debt.
32 For the purpose of this section, a mobile home is de-
33 fined as real estate. After the expiration of that
34 period of 30 days and within one year thereafter, the
35 treasurer shall record in the registry of deeds of
36 the county in which the property of that person is
37 located a certificate signed by the treasurer setting
38 forth the amount of the rate, toll, rent or other
39 charge, describing the real estate on which the lien
40 is claimed and stating that a lien is claimed on the
41 real estate to secure payment of that rate, toll,
42 rent or other charge and that a notice and demand for

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 payment of the same has been given or made in accord-
2 ance with this section and stating further that the
3 rate, toll, rent or other charge remains unpaid. At
4 the time of the recording of any such certificate in
5 the registry of deeds as provided, the treasurer
6 shall file in the office of the district a true copy
7 of the certificate and shall mail a true copy by cer-
8 tified mail, return receipt requested, to each record
9 holder of any mortgage on the real estate, addressed
10 to the record holder at his last and usual place of
11 abode. The fee to be charged by the district to the
12 rate payer for that notice and filing shall not ex-
13 ceed the amount authorized by the Maine Revised Stat-
14 utes, Title 33, section 751, subsection 12, concern-
15 ing district liens.

16 The filing of the certificate in the registry of
17 deeds shall be deemed to create and shall create a
18 mortgage on the real estate described in the certifi-
19 cate to the district which shall have priority over
20 all other mortgages, liens, attachments and encum-
21 brances of any nature, except liens, attachments and
22 claims for taxes and shall give to the district all
23 rights usually possessed by mortgagees, except that
24 the district as mortgagee shall not have any right to
25 possession of that real estate until the right of re-
26 demption provided for shall have expired. If the
27 mortgage, together with interest and costs, has not
28 been paid within 18 months after the date of filing
29 of the certificate in the registry of deeds as pro-
30 vided, the mortgage shall be deemed to have been
31 foreclosed and the right of redemption to have ex-
32 pired. The filing of the certificate in the registry
33 of deeds shall be sufficient notice of the existence
34 of the mortgage provided for. In the event that the
35 rate, toll, rent or other charge, with interest and
36 costs, shall be paid within the period of redemption
37 provided for, the treasurer of the district shall
38 discharge the mortgage in the same manner as provided
39 for discharge of real estate mortgages.

40 Sec. 19. Supplementary charges. The district is

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 authorized to impose charges, in addition to any oth-
2 er assessments now lawfully imposed by general law,
3 for the use of sewers, sewer systems and treatment
4 works and the trustees may adopt such rules as may be
5 necessary or convenient to carry out the purpose of
6 the district. All incidental powers, rights and priv-
7 ileges necessary to the accomplishment of the pur-
8 poses of the district are granted to the district and
9 its trustees, including the right of its trustees to
10 determine when and where sewerage and treatment fa-
11 ilities and disposal units are needed and when and
12 where the same shall be constructed.

13 Sec. 20. Municipal assistance. When the municip-
14 al officers of the Town of York shall determine that
15 the health and welfare of the inhabitants of the town
16 require municipal contribution to the expense of op-
17 erating the facilities of the district and of refund-
18 ing the indebtedness of the district, they may nego-
19 tiate contracts with the trustees of the district to
20 provide for annual payments by the municipality of a
21 fixed percentage of the expense of operating the dis-
22 trict or refunding the indebtedness of the district
23 for a period not to exceed 20 years.

24 Any such contract shall become effective upon
25 ratification by a majority of the voters of the Town
26 of York at a regular or special election held there-
27 for.

28 Sec. 21. Competitive bidding. Any contract in
29 excess of \$2,000 between the district and a contrac-
30 tor for the construction of facilities located on
31 private property for the exclusive use of a private
32 individual and for which the private individual is
33 required to pay the total cost directly to the dis-
34 trict shall be awarded by a system of competitive
35 bidding. Unless there are valid reasons to the con-
36 trary, the contracts shall be awarded to the lowest
37 responsible bidder.

38 Sec. 22. Proposal; amendment. Any proposal by

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 the district for amendment of this charter by the
2 Legislature shall be accompanied by written comments
3 from the municipalities that lie in whole or in part
4 within the district.

5 Sec. 23. Dissolution. The trustees of the dis-
6 trict may at any time enter into negotiations with
7 the Town of York for the purpose of dissolving the
8 district and transferring its entire assets and lia-
9 bilities to the Town of York. If an agreement to dis-
10 solve the district is reached with the municipal of-
11 ficers of the Town of York, the district may be dis-
12 solved upon the unanimous vote of the trustees and
13 upon referendum vote being taken at the next annual
14 municipal election in the Town of York. The town
15 clerk of the Town of York shall reduce the subject
16 matter to the following question:

17 "Shall the York Sewer District be dissolved and
18 all of its assets and liabilities be assumed by
19 and become the responsibility of the Town of
20 York?"

21 The voters shall indicate by a cross or check
22 mark placed upon their ballots against the words
23 "Yes" or "No" their opinion of the same. The result
24 shall be declared by the municipal officers and due
25 certificate thereof filed by the town clerk with the
26 Secretary of State and, if the result so filed shows
27 that a majority of the voters is for the approval of
28 the dissolution of the York Sewer District, it shall
29 take complete effect upon filing with the town clerk
30 of an attested copy of the unanimous votes of the
31 trustees of the district to dissolve the district ac-
32 cording to the terms hereof; provided that the total
33 vote cast for and against the dissolution of the York
34 Sewer District equals, or exceeds, 25% of the total
35 vote for all candidates for Governor cast at the last
36 gubernatorial election.

37 Sec. 2. Referendum; effective date. This Act
38 shall be submitted to the legal voters of the York

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 Sewer District at the next townwide election in the
2 Town of York after the effective date of this Act.
3 The election shall be called, advertised and con-
4 ducted according to the law relating to municipal
5 elections; provided that the selectmen of the town
6 shall not be required to prepare for posting, nor the
7 town clerk to post, a new list of voters and, for the
8 purpose of registration of voters, the board of voter
9 registration shall be in session on the secular day
10 next preceding the special election. Prior to the
11 referendum, the district shall hold an informational
12 meeting for voters. The referendum shall be conducted
13 by the town, but the cost shall be borne by the dis-
14 trict. The town clerk of the town shall prepare the
15 required ballots, on which he shall reduce the sub-
16 ject matter of this Act to the following question:

17 "Shall the York Sewer District Charter, 1985 re-
18 vision, be accepted?"

19 The voters shall indicate by a cross or check
20 mark placed against the words "Yes" or "No" their
21 opinion of the same.

22 This Act shall take effect provided it is ac-
23 cepted by a majority of the legal voters voting at
24 the election; and further provided that the total
25 number of votes cast for and against the acceptance
26 of this Act equals or exceeds 15% of the total vote
27 for all candidates for Governor cast in the Town of
28 York at the next previous gubernatorial election.

29 The result of the vote shall be declared by the
30 municipal officers of the Town of York and due cer-
31 tificate thereof shall be filed by the town clerk
32 with the Secretary of State.'

1 STATEMENT OF FACT

2 The purpose of this amendment is to consolidate
3 and update the charter of the York Sewer District
4 which was first enacted in 1951. The amendment makes
5 changes to the following areas:

6 Section 1 of the charter - Territorial limits;
7 corporate name; purposes. Existing charter with technical
8 changes. Adds requirement for voter approval of
9 boundary changes as in the Maine Revised Statutes,
10 Title 38, section 1252, subsection 4;

11 Section 2 - Authority to construct and maintain.
12 Existing charter with technical changes. (Similar to
13 but slightly different from the Maine Revised Stat-
14 utes, Title 38, section 1151, except storm and sur-
15 face water excluded);

16 Section 3 - Election of trustees; terms of of-
17 fice; meetings; bylaws; compensation; annual report.
18 Existing charter with technical changes. Future
19 changes in trustees' compensation to be approved by
20 municipal officers as in the Maine Revised Statutes,
21 Title 38, section 1252, subsection 5. Trustees' re-
22 tirement limited as in the Maine Revised Statutes,
23 Title 38, section 1252, subsection 6;

24 Section 4 - Eminent domain. Conformed to the
25 Maine Revised Statutes, Title 38, section 1152,
26 1152-A, 1153 and 1154, as required by the Maine Re-
27 vised Statutes, Title 38, section 1252, subsection 2;

28 Section 5 - Crossing other public utilities. Con-
29 formed to the Maine Revised Statutes, Title 38, sec-
30 tion 1155;

31 Section 6 - Rights and obligations of abutters or
32 others to enter. Existing charter with technical
33 changes conforms to the Maine Revised Statutes, Title
34 38, sections 1156, 1159 and 1160, and the requirement
35 of Title 38, section 1252, subsection 3, with modifi-

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 cation to define buildings within 200 feet as acces-
2 sible, rather than 100 feet as in Title 38, section
3 1160;

4 Section 7 - Contracts authorized. Existing
5 charter (already conforms to the Maine Revised Stat-
6 utes, Title 38, section 1157, except that storm and
7 surface water are not included here);

8 Section 8 - Excavation or repair work; closing of
9 ways. Existing charter (essentially conforms to the
10 Maine Revised Statutes, Title 38, section 1158);

11 Section 9 - Violations. Minor modification of ex-
12 isting charter to conform to the Maine Revised Stat-
13 utes, Title 38, section 1161;

14 Section 10 - Property tax exempt. Existing
15 charter;

16 Section 11 - Bonds. Existing charter (which
17 parallels the previous version of the Maine Revised
18 Statutes, Title 38, section 1201) but with the debt
19 limit removed and opportunity for referendum on debt
20 added;

21 Section 12 - Certain bond issues; special meet-
22 ing; vote. New provisions for issuing debt exceeding
23 \$150,000, requiring special district meeting and refer-
24 endum if the voters wish. Conforms to the standard
25 procedure of the Maine Revised Statutes, Title 38,
26 section 1201, subsection 10;

27 Section 13 - Rates and other charges. Existing
28 charter with public hearing on rate changes added, as
29 required by the Maine Revised Statutes, Title 38,
30 section 1252, subsection 1;

31 Section 14 - Assessments. Includes existing
32 charter (which is essentially the same as the Maine
33 Revised Statutes, Title 38, section 1203, except that
34 it allows assessment of 100% of the cost of construc-

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 tion while Title 38, section 1203 allows 50%). Lan-
2 guage is added from Title 38, section 1204, on ap-
3 peals and on notice for extensions as required by Ti-
4 tle 38, section 1252, subsection 7;

5 Section 15 - Lien for unpaid assessments. Exist-
6 ing charter, which conforms to the Maine Revised
7 Statutes, Title 38, section 1205;

8 Section 16 - Civil action for unpaid assessments.
9 Existing charter, which conforms to the Maine Revised
10 Statutes, Title 38, section 1206;

11 Section 17 - Assessment paid by persons other
12 than owner. Existing charter, which conforms to the
13 Maine Revised Statutes, Title 38, section 1207;

14 Section 18 - Collection of unpaid rates. Existing
15 charter, with opportunity for installment payments
16 added, to conform to the Maine Revised Statutes, Ti-
17 tle 38, section 1208;

18 Section 19 - Supplementary charges. Existing
19 charter, which conforms to the Maine Revised Stat-
20 utes, Title 38, section 1209;

21 Section 20 - Municipal assistance. Existing
22 charter. Allows municipal payments if the voters of
23 the Town of York approve;

24 Section 21 - Competitive bidding. Existing
25 charter, which conforms to the Maine Revised Stat-
26 utes, Title 38, section 1210;

27 Section 22 - Amendments. Added - requires munici-
28 pal comments on charter changes, as required by the
29 Maine Revised Statutes, Title 38, section 1253, sub-
30 section 3; and

31 Section 23 - Dissolution. Existing charter.

32 Finally, a referendum in the Town of York is re-

COMMITTEE AMENDMENT "A" to H.P. 504, L.D. 707

1 quired to approve this revision of the sewer district
2 charter.

3

4342061385

Reported by the Committee on Utilities
Reproduced and distributed under the direction of the
Clerk of the House

6/18/85

(Filing No. H-471)