

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1783

H.P. 1225

House of Representatives, May 3, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SPEAR of Nobleboro.

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STATE OF MAINE

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

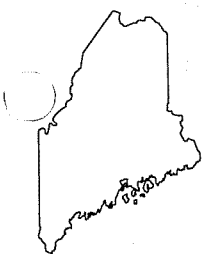
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**An Act to Amend the Waldoboro Sewer District Charter.**

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(AFTER DEADLINE)

(EMERGENCY)



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

4           Whereas, the Waldoboro Sewer District wishes to purchase the  
6 assets of the Waldoboro Water Company; and

8           Whereas, it is imperative that the Waldoboro Sewer District  
purchase the Waldoboro Water Company as soon as possible so that  
10 there will be no interruption in the water service supplied to  
the people of the Town of Waldoboro; and

12           Whereas, in the judgment of the Legislature, these facts  
14 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

20           **Sec. 1. P&SL 1963, c. 146, §§1, 2 and 7 are amended to read:**

22           **Sec. 1. Incorporation.** The territory, and the inhabitants  
24 therein, of the Town of Waldoboro in the County of Lincoln, shall  
constitute a ~~public sewerage district~~ and a body politic and  
26 corporate under the name of "Waldoboro Sewer Utility District."  
The purpose of said district, subject to the provisions of  
28 section 10 hereof, shall be to take over, control, operate and  
manage the sewers now owned by the Town of Waldoboro with all  
30 appurtenances thereto to the sewers; to extend, increase, enlarge  
and improve said sewers; to extend the present system or systems  
32 so as to furnish sewerage facilities to parts of the town not now  
served with such facilities; to provide for removal and treatment  
34 of sewage when, as and if such treatment become necessary; and  
generally to construct, maintain, operate and provide a system of  
36 sewerage, sewage disposal and sewage treatment for public  
purposes and for the health, welfare, comfort and convenience of  
38 the inhabitants of the district.

40           **Sec. 2. Authority to construct and maintain.** Within said  
territory and the territory of any adjoining municipality said  
42 Waldoboro Sewer Utility District is hereby authorized to lay  
pipes, drains, sewers and conduits, and to take up, repair and  
44 maintain the same or to contract for the same to be done, in,  
along and through any public or private ways and public grounds,  
46 and in, along and through lands of any person or corporation as  
hereafter provided in this charter, to and into tidal waters,  
48 rivers, watercourses or treatment works or to or into any drain  
or sewer ~~now or hereafter built~~ which empties into tidal waters,  
50 rivers, watercourses or treatment works, the discharge ~~therefrom~~  
from the drain or sewer to be at such points consistent with the  
52 requirements of public health as ~~shall be~~ found to be convenient

2 and reasonable for said district and the flow of existing  
3 watercourses; to construct and maintain treatment works, pumping  
4 stations, basins, reservoirs, flush tanks and such other  
5 appliances for collecting, holding, purifying, distributing and  
6 disposing of sewage matter and industrial waste and, subject to  
7 the provisions of section 10 hereof, of surface and waste water,  
8 all as may be necessary or proper; and in general, do any or all  
9 other things necessary or incidental to accomplish the purposes  
10 of this act.

11  
12 **Sec. 7. Rights of abutters or others to enter.** Any person may enter  
13 his that person's private sewer into any sewer of the district  
14 while the same is under construction and before completion of  
15 said sewer at the point of entry, and before an entrance charge  
16 is established, on obtaining a permit in writing from the  
17 trustees; but after the sewer is completed to the point of entry  
18 and an entrance charge established on that location, ~~no~~ a person  
19 shall may not enter his that person's private sewer into such  
20 sewer until he that person has paid the entrance charge and  
21 obtained a permit in writing from the trustees as ~~afes~~esaid. All  
22 such permits shall be recorded by the clerk of the district in  
its records before the same are issued.

23  
24 **Sec. 2. P&SL 1963, c. 146, §14,** as amended by P&SL 1989, c. 2,  
25 §1, is further amended to read:

26  
27 **Sec. 14. Trustees and officers; tenure of office; election to office;**  
28 **organization; vacancies; compensation.** All of the affairs of said  
29 district shall ~~be~~ are managed by a board of 3 trustees, ~~residents~~  
30 ~~therein,~~ who shall ~~be~~ must be residents of the Town of Waldoboro  
31 and who are chosen as hereinafter provided in this section.

32  
33 As soon as ~~may~~ be convenient after acceptance of this act,  
34 the municipal officers of the Town of Waldoboro shall appoint 3  
35 trustees of said district to hold office as follows: One to  
36 serve until the first annual meeting of said town following the  
37 acceptance of this act; one to serve until the 2nd annual meeting  
38 of said town following said acceptance; and one to serve until  
39 the 3rd annual meeting of said town following such acceptance.  
40 At each annual meeting of said town, beginning with the first  
41 annual meeting after acceptance of this act, one trustee shall ~~be~~  
42 is elected by ballot as hereafter provided in this section to  
43 serve until the annual meeting of said town occurring 3 years  
44 ~~thereafter~~ after the election of the trustee and until his the  
45 trustee's successor is elected and qualified. When any trustee  
46 ceases to be a resident of said district, he the trustee vacates  
47 his the trustee's office as trustee. All trustees, if residents  
48 of said district, shall ~~be~~ are eligible for reelection or  
49 reappointment as hereafter provided in this section.

2 The nomination of all candidates for trustee to be elected  
as provided by this act shall must be by nomination papers signed  
4 in the aggregate for each candidate by not less than 25 nor more  
than 50 qualified voters resident in said district. Nomination  
6 papers shall must be made available by the municipal clerk to  
prospective candidates during the 40 days prior to the final date  
8 of filing and, before issuance, the town clerk may complete each  
sheet by filling in the name of the candidate, the title and term  
10 of office which is being sought. Each voter who signs a  
nomination paper shall add the candidate's place of residence  
12 with the street and number, if any. The voter may subscribe only  
to as many nomination papers for each office as there are  
14 vacancies to be filled. All nomination papers shall must be  
filed with the clerk during business hours on or before the 35th  
16 day next prior to the day of election. With the nomination  
papers, there shall must be filed the consent in writing of the  
18 persons proposed ~~therein~~ as candidates, agreeing to accept the  
nomination if nominated, not to withdraw and, if elected at the  
20 municipal election, to qualify as the quasi-municipal officer.  
When filed, the nomination papers shall must be made available by  
the clerk to public inspection under supervision. The clerk  
22 shall keep them in the office for 6 months. In case any  
candidate who has been duly nominated under the provisions hereof  
24 shall ~~die~~ of this section dies before the day of election, or  
shall ~~withdraw~~ withdraws in writing, or shall ~~remove his~~ place  
26 ~~of residence~~ the candidate moves from said district, the vacancy  
may be supplied in the manner herein provided for such  
28 nominations, except that the time limit for filing such  
nomination papers shall does not apply. The name so supplied for  
30 the vacancy shall, if the ballots have not been printed, be is  
placed on the ballots instead of the original nomination; or if  
32 the ballots have been printed, new ballots containing the new  
nomination shall, if practical, be are furnished, or slips  
34 containing the new nomination shall ~~be~~ are printed under the  
direction of the town clerk which shall ~~be~~ are pasted upon said  
36 ballots and over the name of the candidate whose nomination has  
been vacated ~~as aforesaid~~, and thereafter ~~shall become~~ becomes  
38 part of said ballots as if originally printed ~~thereon~~ on the  
ballot. The ballot in said district shall must contain names of  
40 all candidates so nominated in such district alphabetically  
arranged, printed in one column under the heading "For Trustee of  
42 the Waldoboro Sewer Utility District." Above such heading shall  
must be printed "Vote for \_\_\_\_\_ (the number to be  
44 elected to be inserted therein). Make a cross or a check mark to  
the right of the name(s) voted for." As many blank spaces shall  
46 must be left after the names of the candidates as there are  
trustees to be elected in which the voter may, by writing, insert  
48 the name of any person or persons for whom he the voter desires  
to vote. In preparing his the voter's ballot the voter shall  
50 mark a cross (X) or a check mark ( ) against and to the right of  
such names on said ballot as he the voter desires to vote for,  
52 not to exceed the number of trustees so to be elected in said

2 district. At each annual meeting of said Town of Waldoboro,  
3 balloting for trustee of said district shall ~~take~~ takes place  
4 concurrently with balloting for the municipal officers of said  
5 town, but separate ballots shall ~~be~~ are provided for trustee of  
6 the district as hereinbefore provided for in this section. The  
7 result of such election shall ~~be~~ is declared by the ~~ceuneilmen~~  
8 municipal officers of said Town of Waldoboro and due certificate  
9 thereof of the result filed with the town clerk and the clerk of  
10 the district. The district shall reimburse the town for the  
11 expense of any district election.

12 As soon as convenient after the appointment, the first board  
13 of trustees shall hold a meeting at some convenient place in the  
14 district, to be called by any member thereof of the board in  
15 writing, designating the time and place and delivered in and to  
16 the other 2 members not less than 2 full days before the meeting;  
17 ~~provided, however, that they may meet by agreeing without such~~  
18 ~~notice if the trustees agree to a time and place for the meeting,~~  
19 a notice is not required. At this original meeting the trustees  
20 shall organize by electing from their own members a ~~chairman~~  
21 chair, a treasurer and a clerk and adopting a corporate seal.  
22 The trustees may adopt and establish bylaws, consistent with the  
23 laws of the State ~~of~~ Maine and necessary for their own  
24 convenience and for the proper management of the affairs of the  
25 district, and perform any other acts within the powers delegated  
26 to them by law.

27 Within one week after each annual election, the trustees  
28 shall meet for the purpose of electing a ~~chairman~~ chair,  
29 treasurer and clerk to serve for the ensuing year and until their  
30 successors are elected and qualified. The trustees from time to  
31 time may choose and employ, and fix the compensation of, any  
32 other necessary officers and agents who shall serve at their  
33 pleasure. The treasurer shall furnish bond in such sum and with  
34 such sureties as the trustees shall approve, the cost thereof of  
35 the bond to be paid by the district.

36 Members of the board of trustees shall ~~be~~ are eligible to  
37 any office under the board. The trustees, ~~as such~~, shall receive  
38 as compensation for their services an amount to be determined by  
39 them not to exceed \$300 each per year, but if they fail to  
40 determine a salary they shall receive \$10 each for each meeting  
41 of the board which they attend. The treasurer may be allowed  
42 such compensation as the trustees shall determine.

43 The trustees shall ~~be~~ are sworn to the faithful performance  
44 of their duties as such, which shall ~~include~~ includes the duties  
45 of any member who shall ~~serve~~ serves as clerk or clerk pro tem.  
46 They shall make and publish an annual report, including a report  
47 of the treasurer, and such report may be included in, and  
48 published as part of the town report.

52

2 Vacancies in the office of trustee from whatever cause shall  
3 be are filled by appointment by the remaining trustees until the  
4 next annual election. If at any annual election there shall  
5 exist exists a vacancy in an unexpired term, a trustee shall ~~be~~  
6 is elected to fill such vacancy for such unexpired term, and the  
7 voters of the district shall cast the ballots as ~~hereinbefore~~  
8 prescribed in this section, voting for as many candidates as  
there are offices to be filled.

10 **Sec. 3. P&SL 1963, c. 146, §17, as amended by P&SL 1989, c. 2,**  
11 **§2, is further amended to read:**

12 **Sec. 17. Authorized to borrow money to issue bonds and notes.** For  
13 accomplishing the purposes of this Act, the district, by  
14 resolutions of its board of trustees, without district vote, is  
15 hereby authorized to borrow money temporarily and to issue  
16 ~~therefor~~ for the money its negotiable notes, and for the purpose  
17 of renewing and refunding the indebtedness so created, of paying  
18 any necessary expenses and liabilities incurred under the  
19 provisions of this Act, including organizational and other  
20 necessary expenses and liabilities incurred by the district or  
21 the Town of Waldoboro, the district being authorized to reimburse  
22 the Town of Waldoboro for any such expense incurred or paid by  
23 it, and in acquiring properties, paying damages, laying sewers,  
24 drains and conduits, constructing, maintaining and operating a  
25 sewage plant or system and making renewals, additions, extensions  
26 and improvements to the same and to cover interest payments  
27 during the period of construction, the Waldoboro Sewer Utility  
28 District, by resolutions of its board of trustees, without  
29 district vote, is also hereby authorized to issue, from time to  
30 time, bonds, notes or other evidence of indebtedness of the  
31 district in one series or in separate series, in such amount or  
32 amounts, bearing interest at such rate or rates, and having such  
33 terms and provisions as the trustees shall determine; ~~provided,~~  
34 ~~however,--that~~ but the total indebtedness of the district at any  
35 one time outstanding shall does not exceed the sum of ~~\$1,000,000~~  
36 \$3,000,000 and that any single expenditure which exceeds ~~\$100,000~~  
37 \$200,000 must be approved by district vote. Said bonds, notes  
38 and evidences of indebtedness may be issued to mature serially or  
39 made to run for such periods as the trustees may determine, but  
40 ~~none of them shall~~ the bonds, notes and evidences of indebtedness  
41 may not run for a longer period than 40 years from the date of  
42 original issue ~~thereof~~ of the bonds, notes and evidences of  
43 indebtedness. Bonds, notes or evidences of indebtedness may be  
44 issued with or without provision for calling the same prior to  
45 maturity, and if callable may be made callable at par or at such  
46 premium as the trustees may determine. All bonds, notes or other  
47 evidences of indebtedness shall must have inscribed upon their  
48 face the words "Waldoboro Sewer Utility District", ~~shall-be~~ are  
49 signed by the treasurer and countersigned by the ~~chairman~~ chair  
50 of the board of trustees of the district, and if coupon bonds are  
51 issued, the interest coupons attached ~~thereto shall~~ to the coupon  
52

2 bonds must bear the facsimile of the signature of the treasurer.  
3 All such bonds, notes and evidences of indebtedness so issued by  
4 the district shall ~~be~~ are legal obligations of the district,  
5 which is hereby ~~declared to be~~ a quasi-municipal corporation  
6 ~~within the meaning of the Revised Statutes of 1954, chapter 90-A,~~  
7 ~~section 23, as enacted by the public laws of 1957, chapter 405,~~  
8 ~~section 1, as amended,~~ as defined in the Maine Revised Statutes,  
9 Title 30-A, section 2351 and all provisions of said section shall  
10 be are applicable thereto. The said district may, from time to  
11 time, issue in one series or in separate series, its bonds, notes  
12 and other evidences of indebtedness, for the purpose of paying,  
13 redeeming or refunding outstanding bonds, notes or evidences of  
14 indebtedness, and each authorized issue shall ~~constitute~~  
15 constitutes a separate loan. All bonds, notes and evidences of  
16 indebtedness issued by said district shall ~~be~~ are legal  
17 investments for savings banks in the State of Maine and shall ~~be~~  
18 are tax exempt. The said district is hereby authorized and  
19 empowered to enter into agreements with the State or Federal  
20 Government, or any agency of either, or any corporation,  
21 commission or board authorized by the State or Federal Government  
22 to grant or loan money to or otherwise assist in the financing of  
23 projects such as the district is authorized to carry out, and to  
24 accept grants and borrow money from any such government agency,  
25 corporation, commission or board as may be necessary or desirable  
26 to enforce this act.

27 **Sec. 4. P&SL 1963, c. 146, §§19 and 21** are amended to read:

28 **Sec. 19. Assessment against lot benefited.** When the district has  
29 constructed and completed a common sewer, the trustees may, if  
30 they so determine, in order to defray a portion of the expense  
31 thereof of the sewer, determine what lots or parcels of land are  
32 benefited by such sewer, and estimate and assess upon such lots  
33 and parcels of land, and against the owner thereof of the lots  
34 and parcels of land, or person in possession or against whom  
35 taxes ~~thereon~~ are assessed, whether said person to whom the  
36 assessment is so made shall be the owner, tenant, lessee or agent  
37 and whether the same is occupied or not, such sum not exceeding  
38 such benefit as they may deem determine just and equitable  
39 towards defraying the expenses of constructing and completing  
40 such sewer, together with such sewage disposal units and  
41 appurtenances as may be necessary, the whole of such assessments  
42 not to exceed 1/2 of the cost of such sewer and sewage disposal  
43 units. The trustees shall file with the clerk of the district  
44 the location of such sewer and sewage disposal unit, with a  
45 profile description of the same, and a statement of the amount  
46 assessed upon each lot or parcel of land so assessed, a  
47 description of each lot or parcel, and the name of the owner of  
48 such lots or parcels of land or person against whom said  
49 assessment shall be made, and the clerk of such district shall  
50 record the same in a book kept for that purpose, and within 10  
51 days after such filing, each person so assessed shall be notified  
52



2 of such assessment by having an authentic copy of said  
3 assessment, with an order or notice signed by the clerk of said  
4 district, stating the time and place for a hearing upon the  
5 subject matter of said assessments, given to each person so  
6 assessed or left at his the person's usual place of abode in said  
7 district; if he the person has no place of abode in said  
8 district, then by posting said notice in some conspicuous place  
9 in the vicinity of the lot or parcel of land so assessed, at  
10 least 30 days before said hearing, or such notice may be given by  
11 publishing the same once a week, for 3 successive weeks in any  
12 newspaper of general circulation in said district, the first  
13 publication to be at least 30 days before said hearing. A return  
14 made upon a copy of such notice by any constable in said Town of  
15 Waldoboro or the production of the paper containing such notice  
16 shall be conclusive evidence that said notice has been given, and  
17 upon such hearing the trustees shall have power to revise,  
18 increase or diminish any of such assessments, and all such  
19 revisions, increases or diminutions shall be in writing and  
20 recorded by the clerk of the district.

21 **Sec. 21. Assessments; liens; sheriff's sale.** All assessments made  
22 under section 19 shall create a lien upon each and every lot or  
23 parcel of land so assessed and the buildings upon the same, which  
24 lien shall take effect when the trustees file with the clerk of  
25 the district the completed assessment and shall continue for one  
26 year ~~thereafter~~ after filing of the assessment; and within 10  
27 days after the date of hearing on said assessment the clerk of  
28 the district shall make out a list of all such assessments, the  
29 amount of each, and the name of the person against whom the same  
30 is assessed, and he the clerk shall certify the list and deliver  
31 it to the treasurer of said district. If said assessments are  
32 not paid within 3 months from the date ~~thereof~~ of delivery of the  
33 list the treasurer may bring an action of debt for the collection  
34 of said assessment in the name of the district against the person  
35 against whom, said assessment is made. Such action shall be  
36 begun by writ of attachment commanding the officer serving it to  
37 specially attach the real estate upon which the lien is claimed,  
38 which shall be served as other writs of attachment to enforce  
39 liens on real estate. The declaration in such action shall  
40 contain a statement of such assessment, a description of the real  
41 estate against which the assessment is made, and an allegation  
42 that a lien is claimed on said real estate to secure the payment  
43 of the assessment. If no service is made upon the defendant or  
44 it shall appear that any other persons are interested in such  
45 real estate, the court shall order such further notice of such  
46 action as appears proper, and shall allow such other persons to  
47 become parties ~~thereto~~ to the action. If it shall appear upon  
48 trial of such action that such assessment was legally made  
49 against said real estate, and is unpaid, and that there is an  
50 existing lien on said real estate for the payment of such  
51 assessment, judgment shall be rendered for such assessment,  
52 interest, and costs of suit against the

2 defendants and against the real estate upon which the assessment  
was made, and execution issued thereon to be enforced by sale of  
4 such real estate in the manner provided for a sale on execution  
of real estate attached on original writs; provided, that in  
6 making said sale, the officer shall follow the procedure in  
selling and conveying and there shall be the same rights of  
8 redemption as are provided in the Maine Revised Statutes of 1954,  
chapter 91-A, section 87, as enacted by the public laws of 1955,  
chapter 399, section 1, Title 36, chapter 105.

10 **Sec. 5. P&SL 1963, c. 146, §24,** as amended by P&SL 1981, c. 44,  
12 §§2 and 3, is further amended to read:

14 **Sec. 24. Lien for payment of rates.** There shall be a lien on  
real estate served or benefited by the sewers of the district to  
16 secure the payment of rates established and due under section 18  
which shall take precedence of all other claims on such real  
18 estate, excepting only claims for taxes. Real estate for the  
purposes of this act shall have the same definition as given in  
20 the Revised Statutes of 1954, chapter 91-A, section 4, as enacted  
by section 1 of chapter 399 of the public laws of 1955 and as  
22 amended Maine Revised Statutes, Title 36, section 551.

24 The treasurer of the district shall have full and complete  
authority and power to collect the rates, tolls, rents and other  
26 charges established under section 18 and the same shall be  
committed to him the treasurer. The treasurer may, after demand  
28 for payment, sue in the name of the district in an action of  
assumpsit for any rate, toll, rent or other charge remaining  
30 unpaid in any court of competent jurisdiction. In addition to  
other methods established by law for the collection of rates,  
32 tolls, rents and other charges, and without waiver of the right  
to sue for the same as aforesaid, the lien hereby created may be  
34 enforced in the following manner. The treasurer, when a rate,  
toll, rent or other charge has been committed to him the  
36 treasurer for collection may, after the expiration of 3 months  
and within one year after date when the same became due and  
38 payable, in the case of a person resident in the district give,  
or cause to be given to such person, or leave or cause to be  
40 left, at his the resident's last and usual place of abode, or  
give by registered or certified mail addressed to his the  
42 resident's last known address, a notice in writing signed by the  
treasurer stating the amount of such rate, toll, rent or other  
44 charge, describing the real estate upon which the lien is  
claimed, and stating that a lien is claimed on said real estate  
46 to secure the payment of said rate, toll, rent or other charge  
and demanding within 30 days after the service of such notice  
48 payment as aforesaid be made. In the case of a nonresident of  
the district, the aforesaid notice shall be given by registered  
50 mail addressed to his the nonresident's last known address or by  
publication in a newspaper of general circulation within the  
52 district once a week for 2 successive weeks, and shall demand

2 payment within 30 days after the mailing thereof of the notice or  
the first publication of notice thereof ~~as aforesaid~~. After the  
4 expiration of said period of 30 days and within one year  
thereafter after the date the charge became due and payable, the  
6 treasurer may record in the registry of deeds of Lincoln County,  
a certificate signed by the treasurer setting forth the amount of  
8 such rate, toll, rent or other charge, describing the real estate  
on which the lien is claimed and stating that a lien is claimed  
10 on the real estate to secure payment of said rate, toll, rent or  
other charge and that a notice and demand for payment of the same  
12 has been given or made in accordance with the provisions of this  
section and stating further that such rate, toll, rent or other  
14 charge remains unpaid. At the time of the recording of any such  
certificate in the registry of deeds ~~as heretofore provided~~, the  
16 treasurer shall file in the office of the district a true copy of  
such certificate and shall mail a true copy thereof by registered  
18 mail to each record holder of any mortgage on said real estate,  
addressed to such record holder at his the record holder's last  
20 and usual place of abode. The fee to be charged by the district  
to the ratepayer for the notice and filing and for discharge of  
22 paid liens shall not exceed the cost to the district of those  
actions.

24 The filing of the aforesaid certificate in the registry of  
deeds ~~as aforesaid shall be deemed to create, and shall create,~~  
26 creates a mortgage on the real estate therein described in the  
certificate to the district which shall have priority over all  
28 other mortgages, liens, attachments and encumbrances of any  
nature, except liens, attachments and claims for taxes, and shall  
30 give gives to the district all the rights usually possessed by  
mortgages, except that the district as mortgagee shall does not  
32 have any right to possession of said real estate until the right  
of redemption hereinafter ~~provided for~~ shall have has expired.  
34 If the mortgage, together with interest and costs, shall has not  
have been paid within 18 months after the date of filing of said  
36 certificate in the registry of deeds ~~as herein provided~~, the  
mortgage shall ~~be deemed to have been~~ is foreclosed and the right  
38 of redemption ~~to have~~ expired. The filing of the certificate in  
the registry of deeds shall ~~be~~ is sufficient notice of the  
40 existence of the mortgage hereby ~~provided for~~. In the event that  
said rate, toll, rent or other charge, with interest and costs,  
42 ~~as aforesaid, shall be~~ is paid within the period of redemption  
herein ~~provided for~~, the treasurer of the district shall  
44 discharge the mortgage in the same manner as is provided for  
discharge of real estate mortgages.

46 Sec. 6. P&SL 1963, c. 146, §28 is enacted to read:  
48

50 Sec. 28. Authorized to acquire property and franchises of Waldoboro  
Water Company. The district, through its trustees, may acquire  
by purchase the entire plant, properties, franchises, rights and  
52 privileges owned by the Waldoboro Water Company,

2 including all lands, waters, water rights, reservoirs, pipes,  
4 machinery, fixtures, hydrants, tools and all apparatus and  
6 appliances used or usable in supplying water in the area of the  
8 district. This district may acquire by the exercise of the right  
10 of eminent domain, a right expressly delegated to the district  
12 for that purpose, the entire plant, properties, franchises,  
14 rights and privileges, except cash assets and accounts  
receivable, owned by the Waldoboro Water Company, including all  
lands, waters, water rights, dam structures, reservoirs, pipes,  
machinery, fixtures, hydrants, tools and all apparatus and  
appliances used or usable in supplying water in the area of the  
district, and if and when so acquired, the district, in addition  
to the powers conferred by this Act, is entitled to exercise all  
rights, privileges and franchises of the Waldoboro Water Company.

16 In exercising the right of eminent domain under this Act,  
18 the trustees shall file with the district clerk a condemnation  
20 order that includes a detailed description of the property  
22 interests to be taken, the name or names of the owner or owners  
24 of record as far as can be reasonably determined and the amount  
26 of damages determined by the trustees to be just compensation for  
28 the property or interest taken. The trustees shall then serve on  
30 the owner or owners of record a copy of the condemnation order  
and a check in the amount of the damages awarded and record a  
certified copy of the condemnation order in the Lincoln County  
Registry of Deeds. In the event of multiple ownership, the check  
may be served on any one of the owners. The title passes to the  
district upon service of the order of condemnation and check, or  
upon recordation in accordance with this Act, whichever occurs  
first. Acceptance and negotiation of the check do not bar an  
appeal under this Act.

32  
34 Any person aggrieved by the determination of the damages  
36 awarded to owners of property or interests under this Act may,  
38 within 60 days after service of the condemnation order and check,  
40 appeal to the Superior Court of Lincoln County. The court shall  
42 determine damages by a verdict of its jury or, if all parties  
agree, by the court without a jury or by a referee or referees,  
and shall render judgment for just compensation, with interest  
when due, and for costs in favor of the party entitled to just  
compensation. Appeal from the decision of the Superior Court may  
be had to the Law Court, as in other civil actions.

44 **Sec. 7. Referendum; effective date.** Sections 3 and 6 of this  
46 Act shall be submitted to the legal voters of the Waldoboro  
48 Utility District at an election to be called and held for the  
50 purpose by December 31, 1991. The election must be called by the  
52 municipal officers and must be held at the regular voting  
places. The election must be called, advertised and conducted  
according to the law relating to the municipal elections; except  
that the board of registration is not required to prepare nor the  
town clerks to post a new list of voters, and for this purpose

2 the board of registration must be in session on the 3 working  
3 days next preceding the elections, th first and 2nd days to be  
4 devoted to registration of voters and the last day to enable the  
5 board to verify the corrections of the lists and to complete and  
6 close their records of the session. The town clerk shall reduce  
7 the subject matter of sections 3 and 6 of this Act to the  
8 following questions:

10 "Shall the debt limit of the Waldoboro Utility District be  
11 increased to \$3,000,000 and a district vote required for any  
12 single expenditure in excess of \$200,000?"

14 "Shall the Waldoboro Utility District purchase the assets of  
15 the Waldoboro Water Company?"

16 Sections 3 and 6 of this Act shall take effect for all  
17 purposes immediately upon its acceptance by a majority of the  
18 legal voters voting at the election, but only if the total number  
19 of votes cast for and against its acceptance exceeds 10% of the  
20 registered voters of the district, but failure of approval does  
21 not prevent subsequent elections.

22 The results of the elections must be declared by the  
23 municipal officers of the town and due certificates of the  
24 elections must be filed by the town clerk with the Secretary of  
25 State.

28 **Emergency clause.** In view of the emergency cited in the  
29 preamble, this Act takes effect when approved.

### 32 STATEMENT OF FACT

34 This bill changes the name of the Waldoboro Sewer District  
35 to the Waldoboro Utility District and also gives the trustees  
36 authority to purchase the assets of the Waldoboro Water Company.