

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2018

H.P. 1418

House of Representatives, February 16, 2006

**An Act To Allow Consolidation of the Winterport Sewerage District  
and the Winterport Water District To Create Incentives For  
Consumers To Pay Water Bills**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KAELIN of Winterport.  
Cosponsored by Senator WESTON of Waldo.

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

3       **Whereas,** the Winterport Sewerage District was created by Private and Special Law  
4 1971, chapter 143; and

5       **Whereas,** the Winterport Water District was created by Private and Special Law  
6 1969, chapter 94; and

7       **Whereas,** the 2 districts wish to merge their charters in order to reduce management  
8 expenses as the result of unified management as one district; and

9       **Whereas,** it is imperative that action be taken at the earliest possible moment to  
10 allow for continuity of services provided by the Winterport Water District and the  
11 Winterport Sewerage District; and

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

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

17       **Sec. 1. P&SL 1969, c. 94, §§1-A and 1-B** are enacted to read:

18       **Sec. 1-A. Additional powers.** The district has all the powers and authority and is  
19 subject to all the requirements and restrictions provided to a water district in the Maine  
20 Revised Statutes, Title 35-A, chapter 64. The district has all the powers and authorities  
21 and is subject to all limitations and restrictions provided to a sanitary district formed  
22 under Title 38, chapter 11, except that sections 1062, 1101, 1102, 1103, 1104, 1105, 1106  
23 and 1162 do not apply to the district and any notice of impending automatic foreclosure  
24 issued by the district pursuant to section 1208 must bear the name "Winterport Water  
25 District" in all appropriate locations. The provisions of Title 38, chapter 12 do not apply  
26 to the district.

27       The Winterport Water District, referred to in this Act as "the district," is granted  
28 additional powers, rights, privileges and obligations as provided in this charter for the  
29 purpose of allowing the district to supply the town and inhabitants and others within the  
30 territory of the district with sewer services. The district shall take over, control, manage  
31 and operate the sewers owned by the Town of Winterport with all appurtenances thereto  
32 in order to: extend, increase, enlarge and improve sewers; extend the system to furnish  
33 sewerage facilities to portions of the town not served with such facilities; provide for  
34 removal of sewage and provide for treatment of sewage in whole or in part before  
35 discharging it into rivers when, as and if such treatment becomes necessary; and generally  
36 provide a system of sanitary sewerage for public purposes and for the health and comfort  
37 and convenience of the inhabitants of the district.

38       **Sec. 1-B. Transfer title to drains to Town of Winterport.** Title to all public  
39 drains, storm water drains, catch basins and other surface water or storm water facilities  
40 owned by the district is transferred to the Town of Winterport. Title to all sanitary and  
41 sewer drains and facilities of the district remains with the district. Notwithstanding any

1 provisions in this charter to the contrary, the Town of Winterport is responsible for the  
2 construction, maintenance and operation of all public drains, storm water drains, catch  
3 basins and other surface water or storm water facilities within the district and the district  
4 is relieved of all such responsibility.

5 **Sec. 2. P&SL 1969, c. 94, §2-A** is enacted to read:

6 **Sec. 2-A. Authority to acquire and hold property for sewerage purposes;**  
7 **right of eminent domain conferred.** Title to all public drains and sewers in the  
8 Town of Winterport passes to and vests in the district, and the district shall maintain and  
9 operate them. For the purpose of providing a system of sewers and drainage for the  
10 comfort, convenience and health of the inhabitants of the district, the district is authorized  
11 and empowered to acquire and hold real estate and personal estate necessary and  
12 convenient for the purposes aforesaid, subject to all duties and obligations of the Town of  
13 Winterport with respect thereto, which duties and obligations are to be assumed by the  
14 district. The district is hereby authorized to take and hold by purchase, lease or the  
15 exercise of the right of eminent domain, as provided in this charter or otherwise, any land  
16 or real estate or any easement in land or real estate necessary for forming basins,  
17 reservoirs and outlets; for erection of buildings for pumping works and sewage treatment;  
18 for laying and maintaining pipes; for laying and maintaining conduits for collecting,  
19 holding, purifying, distributing and disposing of sewage matter and rain water; and for  
20 other objectives necessary, convenient and proper for the purpose of this Act, and all of  
21 such property, wherever located, is exempt from taxation.

22 **Sec. 3. P&SL 1969, c. 94, §3-A** is enacted to read:

23 **Sec. 3-A. Procedure in exercise of right of eminent domain.** The trustees  
24 for the district may exercise the right of eminent domain vested in the district for the  
25 purposes of this charter after hearing, notice of the time and place of the hearing having  
26 been given by publication in any newspaper published in the district once a week for 2  
27 successive weeks, the last publication to be at least 2 weeks previous to the time  
28 appointed for the hearing, and the clerk of the district shall keep a record of their  
29 proceedings and their determination and decision that sets forth a description of the land  
30 or easement taken and the owners, if known, and the amount of damages awarded  
31 therefor. In lieu of the notice for publication described in this section, the notice may be  
32 served in hand by an officer duly qualified to serve civil process in this State on the  
33 record owner or owners of the premises involved, which notice must to be served at least  
34 14 days prior to the time appointed for the hearing. Upon the signing of the record of the  
35 trustees and the filing of the record in the registry of deeds for Waldo County, the trustees  
36 may enter upon the land and take possession of the land or an easement on the land, as  
37 the case may be, for the purposes of this charter. Any person aggrieved by the decision  
38 of the trustees, as it relates to the damages for land or easements on the land so taken, has  
39 the same rights of appeal as are provided in the case of the laying out of town ways under  
40 the Maine Revised Statutes, Title 23, chapter 304.

41 **Sec. 4. P&SL 1969, c. 94, §4** is repealed and the following enacted in its place:

42 **Sec. 4. Authorized to lay sewer pipes over public ways; other rights.** The  
43 district is authorized to lay in and through the streets, roads, ways, highways and bridges  
44 in the Town of Winterport, and across private lands in the town, and to maintain, repair

1 and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for  
2 its corporate purposes. The district may lay pipes and construct conduits in accordance  
3 with this section in and through the district and convey through them sewage, surface  
4 water and the natural flowage of existing water courses; may secure and maintain basins,  
5 reservoirs and outlets and build and maintain pumping stations and buildings convenient  
6 for them; may construct and maintain treatment plants, flush tanks, manholes, storm  
7 water inlets and other usual appliances for collecting, holding, distributing and disposing  
8 of sewage and storm water and supply water for such flush tanks and for flushing the  
9 system of sewers and for any other purposes for which the district may determine it  
10 desirable and install all pipes and necessary structures and appliances to this end; may  
11 establish through and by its trustees regulations for the use of sewers and fix and collect  
12 the prices to be paid for entering them and also the service charges for the use of sewers;  
13 and may enter into contract with persons, corporations or municipalities outside the  
14 boundaries of the district to care for sewage or drainage through the district's system. The  
15 district is authorized for the purposes described in this section to lay down in and through  
16 the streets, highways and land of the district and take up, replace and repair all conduits,  
17 pipes and fixtures necessary or desirable for the objects of its incorporation; to carry and  
18 lay conduits and pipes under any water course, public or private way or railroad, in the  
19 manner prescribed in this section; and to cross any water pipe, gas pipe, electric conduit,  
20 drain or sewer or, if necessary, to change its direction in such a manner as not to obstruct  
21 its use by the construction of any of the works of the district, whether during  
22 construction, after construction has been completed, while the construction is undergoing  
23 repairs or while extensions are being made. The district is liable to the Town of  
24 Winterport, public utilities and private persons for any costs, damages and expenses that  
25 each may suffer or be put to by reason of the default, neglect, negligence or carelessness  
26 of the district or any of its officers, servants or agents in creating, maintaining, repairing  
27 or extending the sewerage system. The trustees of the district may purchase all maps,  
28 plans and files relating to sewers and drainage that are in the possession of the Town of  
29 Winterport. In case of any crossing of any public utility, unless consent is given by the  
30 company owning or operating the public utility as to place, manner and conditions of the  
31 crossing within 30 days after the consent is requested by the district, the Public Utilities  
32 Commission shall determine the place, manner and conditions of the crossing, and all  
33 work on the property of the public utility must be done under the supervision and to the  
34 satisfaction of the public utility, but at the expense of the district.

35 **Sec. 5. P&SL 1969, c. 94, §§4-A and 4-B** are enacted to read:

36 **Sec. 4-A. Sewer excavations and repair work, property to be left in good**  
37 **condition; liability for damages; closing of streets.** When the district enters, digs  
38 up or excavates any street, way or highway or other land within the district for the  
39 purpose of laying aqueducts, pipes or conduits; constructing manholes or catch basins;  
40 taking up, repairing, extending or maintaining any sewer, drain, manhole, catch basin or  
41 other structure; or for any other purpose, the street, highway, way or other land must, at  
42 the completion of the work of the district, be returned to the condition it was in prior to  
43 the work of the district or to a condition equally good. The district is liable to any person,  
44 firm or corporation injured or damaged by any fault of the district or its servants or  
45 agents, or by reason of any defect in any way, street or highway occasioned by the  
46 construction of any of the works of the district, whether during construction, after

1 construction has been completed, while the construction is undergoing repairs or while  
2 extensions are being made, and the district is liable to the Town of Winterport for any  
3 costs, damages and expenses that the town may suffer or be put to by reason of the  
4 default, neglect, negligence or carelessness of the district or any of its officers, servants or  
5 agents in creating, maintaining, repairing or extending the sewerage system.

6 When the character of the work of the district is such as to endanger travel on any  
7 street or way, the Town of Winterport shall direct the temporary closing of the street or  
8 way and of intersecting streets or ways upon request of the district, and those streets and  
9 ways must remain closed to public traffic until the work of the district is completed and  
10 the surfaces of the streets and ways are restored to proper condition.

11 **Sec. 4-B. Abutting sewer owners have right to enter.** The district, at all  
12 times after the district starts receiving pay for the facilities supplied by the district, is  
13 bound to permit the owners of all premises abutting upon its lines of pipes and conduits to  
14 enter them with all proper sewage upon conformity to the rules and regulations of the  
15 district and payments of the prices, assessments and rental established.

16 **Sec. 6. P&SL 1969, c. 94, §5-A** is enacted to read:

17 **Sec. 5-A. Sewer extensions.** The district has the right to determine whether  
18 extensions to its system must be made subject to the authority of local and state health  
19 officials and the Department of Environmental Protection, Bureau of Water Quality. The  
20 district has the power to make assessments for the cost of such extensions and charges for  
21 the use of the extensions.

22 **Sec. 7. P&SL 1969, c. 94, §11** is repealed.

23 **Sec. 8. P&SL 1969, c. 94, §14,** as amended by P&SL 2001, c. 68, Pt. B, §1, is  
24 repealed and the following enacted in its place:

25 **Sec. 14. Authorized to receive government aid; borrow money; issue**  
26 **bonds and notes.** For accomplishing the purposes of this charter, the district through  
27 its trustees, without vote of the inhabitants, may receive state and federal aid or grants  
28 and borrow money temporarily and issue for the money its negotiable notes for renewing  
29 and refunding the indebtedness so created in accordance with the Maine Revised Statutes,  
30 Title 35-A, chapter 64 and Title 38, chapter 12. The district, through its trustees, may  
31 also issue from time to time, in accordance with Title 35-A, chapter 63, bonds, notes or  
32 other evidences of indebtedness of the district in an amount or amounts; bearing interest  
33 at a rate or rates; selling at par or at a discount or a premium, to be sold at public or  
34 private sale; and having other terms and provisions determined by the trustees, except that  
35 loans running for one year or less do not require the approval of the Public Utilities  
36 Commission.

37 **Sec. 9. P&SL 1969, c. 94, §15** is repealed and the following enacted in its place:

38 **Sec. 15. Rates.** The rates established pursuant to this charter are in accordance  
39 with the Maine Revised Statutes, Title 35-A, chapter 64 and Title 38, chapter 12.

40 **Sec. 10. P&SL 1969, c. 94, §§18-A to 18-M** are enacted to read:

1        **Sec. 18-A. Assessment against lot benefited.** The Public Utilities  
2 Commission's rules apply for the collection of all outstanding water and sewer debt. The  
3 district may disconnect the water service in the event the user of the sewer system of the  
4 district fails within reasonable time to pay the statement of rates, fees or charges  
5 submitted by the district to the user as long as the action by the district is accomplished in  
6 accordance with the Public Utilities Commission's rules for the disconnection of water  
7 services.

8        When the district has constructed and completed a public drain or common sewer, the  
9 trustees shall determine what lots or parcels of land are benefited by that drain or sewer  
10 and shall estimate and assess upon the lots and parcels of land and against the owner of  
11 the lots or parcels of land or the person in possession, whether the person assessed is the  
12 owner, tenant, lessee or agent and whether the lots or parcels of land are occupied or not,  
13 a sum not exceeding the benefit the trustees determine just and equitable towards  
14 defraying the expenses of constructing and completing the drain or sewer, together with  
15 such sewage disposal units and appurtenances as may be necessary, the whole of the  
16 assessments not to exceed 1/2 of the cost of the drain or sewer and sewage disposal units.  
17 The trustees shall file with the clerk of the district the location of the drain or sewer and  
18 sewage disposal unit, with a profile description of the same, and a statement of the  
19 amount assessed upon each lot or parcel of land so assessed; a description of each lot or  
20 parcel; and the name of the owner of each lot or parcel or the person against whom the  
21 assessment is made, and the clerk of the district shall record the filing in a book kept for  
22 that purpose. Within 10 days after filing the notice, each person so assessed must be  
23 notified of the assessment by having an authentic copy of the assessment, with an order of  
24 notice signed by the clerk of the district, stating the time and place for a hearing upon the  
25 subject matter of the assessments. The notice must be given to each person so assessed or  
26 left at the person's usual place of abode in the district. If the person has no place of abode  
27 in the district, then notice must be given or left at the abode of the person's tenant or  
28 lessee if the person has one in the district; if the person has no tenant or lessee in the  
29 district, then notice must be given by posting the same notice in some conspicuous place  
30 in the vicinity of the lot or parcel of land so assessed at least 30 days before the hearing,  
31 or notice may be given by publishing it once a week for 3 successive weeks in any  
32 newspaper published in the district, the first publication to be at least 30 days before the  
33 hearing. A return made upon a copy of the notice by any constable in the Town of  
34 Winterport or the production of the paper containing the notice is conclusive evidence  
35 that the notice has been given, and upon such a hearing the trustees have power to revise,  
36 increase or diminish any of the assessments. All such revisions, increases or diminutions  
37 must be in writing and recorded by the clerk of the district.

38        **Sec. 18-B. Right of appeal.** A person aggrieved by the decision of the trustees as  
39 it relates to the assessment for sewer construction has the same rights of appeal as are  
40 provided in the case of laying out of town ways under the Maine Revised Statutes, Title  
41 23, chapter 304.

42        **Sec. 18-C. Assessments; lien; sheriff's sale.** All assessments made under the  
43 provisions of section 18-A create a lien upon each and every lot or parcel of land so  
44 assessed and the buildings upon the lot or parcel, which lien takes effect when the trustees  
45 file with the clerk the completed assessment and continues one year thereafter. Within 10  
46 days after the date of hearing on the assessment, the clerk shall make out a list of all such

1 assessments, the amount of each and the name of the person against whom the assessment  
2 is made, and the clerk shall certify the list and deliver it to the treasurer of the district. If  
3 the assessment is not paid within 3 months from the date the assessment is made, the  
4 treasurer may bring a civil action for the collection of the assessment in the name of the  
5 district against the person against whom the assessment is made. The action begins with  
6 a writ of attachment commanding the officer serving it to specially attach the real estate  
7 upon which the lien is claimed, which must be served as other writs of attachment to  
8 enforce liens on real estate. The declaration in such an action must contain a statement of  
9 the assessment, a description of the real estate against which the assessment is made and  
10 an allegation that a lien is claimed on the real estate to secure the payment of the  
11 assessment. If no service is made upon the defendant or if it appears that any other  
12 persons are interested in the real estate, the court shall order such further notice of action  
13 as appears proper and shall allow the other persons to become parties to the action. If it  
14 appears upon trial of such an action that the assessment was legally made against the real  
15 estate and is unpaid and that there is an existing lien on the real estate for the payment of  
16 the assessment, judgment must be rendered for the assessment, interest and costs against  
17 the defendants and against the real estate upon which the assessment was made and  
18 execution must be issued thereon, to be enforced by sale of the real estate in the manner  
19 provided for a sale or execution of real estate attached on original writs, as long as in  
20 making the sale the officer follows the procedure in selling and conveying and there are  
21 the same rights of redemption as are provided in the Maine Revised Statutes, Title 36,  
22 section 941.

23 **Sec. 18-D. Additional method of collection of assessment.** If an assessment  
24 under the provisions of section 18-A is not paid and the district does not proceed to  
25 collect the paid assessment by a sheriff's sale of the real estate upon which such an  
26 assessment is made under section 18-C or does not collect or is in any manner delayed or  
27 defeated in collecting such an assessment by a sheriff's sale of the real estate under  
28 section 18-C, then the district, in the name of the district, may maintain an action against  
29 the party so assessed for the amount of the assessment, as for money paid, laid out and  
30 expended, in any court competent to try the action and in that action may recover the  
31 amount of the assessment with 10% interest on the assessment from the date of the  
32 assessment and costs.

33 **Sec. 18-E. Assessment paid by other than owner; how recovered.** When  
34 any assessment under the provisions of section 18-A is paid by any person against whom  
35 an assessment has been made who is not the owner of the lot or parcel of land, then the  
36 person paying the assessment has a lien upon the lot or parcel of land with the buildings  
37 on the lot or parcel of land for the amount of the assessment paid by that person and  
38 incidental charges, which lien continues for one year and may be enforced in a civil  
39 action and by attachment in the way and manner provided for the enforcement of liens  
40 upon buildings and lots.

41 **Sec. 18-F. Sanitary provisions and penalty for violation.** Any person who  
42 violates the provisions of this section or sections 18-G and 18-H or who places or  
43 discharges any offensive or injurious matter or material on or into the conduits, catch  
44 basins or receptacles of the district contrary to its regulations or willfully injures any  
45 conduit, pipe, reservoir, flush tank, catch basin, inlet, manhole, outlet, engine, pump or



1 other property held, owned or used by the district for the purposes of this Act is liable to  
2 pay twice the amount of the damages to the district, to be recovered in any proper action.

3 **Sec. 18-G. Free access to premises.** The officers or agents of the district have  
4 free access to all premises served by its sewers at all reasonable hours to permit the  
5 inspection of plumbing and sewerage fixtures, to ascertain the amount of sewage  
6 discharged and the manner of discharge and to enforce the provisions of this charter and  
7 the rules and regulations that may be prescribed under this charter. Failing to achieve  
8 such access, the district has the right to discontinue service.

9 **Sec. 18-H. Buildings to connect with sewer if available.** Every building in  
10 the district intended for human habitation or occupancy on premises abutting on a street  
11 in which there is a public sewer and any such building within 100 feet of a public sewer  
12 must have a house drainage system, which must be connected with the sewer by the  
13 owner or agent of the premises in the most direct manner possible and, if feasible, with a  
14 separate connection for each house or building, except that existing buildings that are  
15 already served by a satisfactory private sewage disposal system that meets and continues  
16 to meet the requirements of the state plumbing code are not required to connect with the  
17 public sewer.

18 **Sec. 18-I. Lien to secure payment of rates; procedure.** When a rate, toll, rent  
19 or other charge has been committed to the treasurer of the Winterport Water District for  
20 collection, the treasurer may, after the expiration of 3 months and within one year after  
21 the date when the charge became due and payable, give to the owner of the real estate  
22 served, leave at the owner's last and usual place of abode or send by certified mail, return  
23 receipt requested, to the owner's last known address a written notice signed by the  
24 treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll,  
25 rent or other charge, describing the real estate upon which the lien is claimed, stating that  
26 a lien is claimed to secure payment of the charge and demanding payment within 30 days  
27 after service or mailing of the notice plus \$1 for the treasurer for mailing the notice  
28 together with all the certified mail, return receipt requested fees. The notice must contain  
29 a statement that the district is willing to arrange installment payments of the outstanding  
30 debt. For the purpose of this section, a mobile home is considered real estate. After the  
31 expiration of the 30-day period and within one year, the treasurer shall record in the  
32 Waldo County Registry of Deeds a certificate signed by the treasurer setting forth the  
33 amount of the rate, toll, rent or other charge and the real estate on which the lien is  
34 claimed and stating that a lien is claimed to secure payment of the charge, that notice and  
35 demand for payment of the charge has been given or made in accordance with the  
36 provisions of this section and that the charge remains unpaid. At the time of the  
37 recording of a certificate in the registry of deeds, the treasurer shall file in the office of  
38 the district a true copy of the certificate and mail a true copy of the certificate by certified  
39 mail, return receipt requested, to each record holder of any mortgage on the real estate,  
40 addressed to the record holder at the record holder's last and usual place of abode.

41 The filing of the certificate in the registry of deeds is deemed to create a mortgage on  
42 the real estate described in the deed for the district that has priority over all other  
43 mortgages, liens, attachments and encumbrances of any nature, except liens, attachments  
44 and claims for taxes, and gives to the district all the rights usually possessed by  
45 mortgagees, except that the district as mortgagee does not have a right to possession of

1 the real estate until the right of redemption provided for has expired. If the mortgage,  
2 together with interest and costs, is not paid within 18 months after the date of filing of the  
3 certificate in the registry of deeds, the mortgage is deemed foreclosed and the right of  
4 redemption expired. The filing of the certificate in the registry of deeds is sufficient  
5 notice of the existence of the mortgage. If the rate, toll, rent or other charge, with interest  
6 and costs, is paid within the period of redemption, the treasurer of the district shall  
7 discharge the mortgage in the same manner as provided for discharge of real estate  
8 mortgages.

9 The cost to be paid by the owner of the real estate served is the sum of the fees for  
10 receiving, recording and indexing the lien, or its discharge, as established by the Maine  
11 Revised Statutes, Title 33, section 751, plus \$13 and all certified mail, return receipt  
12 requested fees.

13 The district shall pay the treasurer \$1 for filing the lien certificate and the amount  
14 paid for certified mail, return receipt requested fees. The fees for recording the lien  
15 certificate must be paid by the district to the register of deeds.

16 A discharge of the certificate given after the right of redemption has expired and has  
17 been recorded in the registry of deeds for more than one year terminates all title of the  
18 district derived from that certificate or any other recorded certificate for which the right  
19 of redemption expired 10 years or more before the foreclosure date of this discharge lien,  
20 unless the district has conveyed any interest based upon the title acquired from any of the  
21 affected liens.

22 **Sec. 18-J. Statutes not affected; rights conferred subject to provisions of**  
23 **law.** Nothing in this charter is intended to repeal or may be construed as repealing the  
24 whole or any part of any provision of the Maine Revised Statutes, Title 35-A, and all the  
25 rights and duties contained in this charter must be exercised and performed in accordance  
26 with all the applicable provisions of Title 35-A, Part 1.

27 **Sec. 18-K. The Winterport Water District's acquisition of property of**  
28 **Winterport Sewerage District.** The Winterport Water District acquires under the  
29 terms contained in this charter all of the plant, properties, assets, franchises, rights and  
30 privileges owned by the Winterport Sewerage District, including, without limitation,  
31 lands, buildings, sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants,  
32 pumping stations and other appliances and property used or usable for collecting, holding,  
33 purifying and disposing of sewage matter and waste waters. The consideration paid for  
34 them is the assumption by the Winterport Water District of all of the outstanding debts,  
35 obligations and liabilities of the Winterport Sewerage District, including, without  
36 limitation, the assumption by the Winterport Water District of any outstanding notes or  
37 bonds of the Winterport Sewerage District that are due on or after the date of transfer.

38 **Sec. 18-L. Winterport Sewerage District required to sell property to**  
39 **Winterport Water District.** The Winterport Sewerage District, a quasi-municipal  
40 corporation organized and existing pursuant to Private and Special Law 1971, chapter  
41 143, under the terms contained in this charter shall sell, transfer and convey to the  
42 Winterport Water District by appropriate instruments of conveyance all of its plants,  
43 properties, assets, franchises, rights and privileges, including, without limitation, lands,  
44 buildings, sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants,

1 pumping stations and other appliances and property used or usable for collecting, holding,  
2 purifying and disposing of sewage matter and waste waters, in consideration of the  
3 assumption by the Winterport Water District of all of the outstanding debts, obligations  
4 and liabilities of the Winterport Sewerage District, including, without limitation, the  
5 assumption of any outstanding notes or bonds of the Winterport Sewerage District that  
6 are due on or after the date of the transfer.

7 **Sec. 18-M. Dissolution and termination of Winterport Sewerage District;**  
8 **pledge of revenues.** If and when all debts, obligations and other liabilities of the  
9 Winterport Sewerage District have been paid in full and discharged or the holders or  
10 owners of all debts, obligations and other liabilities that have not been paid in full and  
11 discharged have assented to the assumption thereof by the Winterport Water District and  
12 to the novation and substitution of the Winterport Water District as obligor in respect  
13 thereto in place of the Winterport Sewerage District and when the transfer of property  
14 pursuant to section 18-L is complete, the clerk of the Winterport Sewerage District shall  
15 file a certificate to that effect with the Secretary of State and the corporate existence of  
16 the Winterport Sewerage District terminates. After filing the certificate with the  
17 Secretary of State, the clerk of the Winterport Sewerage District shall submit legislation  
18 to repeal Private and Special Law 1971, chapter 143. Until the corporate existence of the  
19 Winterport Sewerage District is terminated pursuant to this section, the gross revenues  
20 derived by the Winterport Sewerage District from the sale of sewer service within the  
21 area comprising the former limits of the Winterport Sewerage District must be applied  
22 first to the payment of expenses and 2nd to payments of debts, obligations and other  
23 liabilities of the Winterport Sewerage District assumed by the Winterport Water District  
24 pursuant to this charter.

25 **Sec. 11. Emergency clause; referendum; effective date.** In view of the  
26 emergency cited in the preamble, this Act takes effect when approved only for the  
27 purpose of permitting its submission to the legal voters of the Town of Winterport voting  
28 at a special election called and held within 2 years after passage of this Act. The election  
29 must be called, advertised and conducted according to the law relating to municipal  
30 elections, except that the municipal officers are not required to prepare or the town clerk  
31 to post a new list of voters. For the purpose of registration of voters, the registrar is  
32 required to be in session the 3 secular days next preceding the election, of which the first  
33 2 days must be devoted to registration of the voters and the last day to verification of the  
34 list and completion of the records of these sessions. The subject matter of this Act is  
35 reduced to the following question:

36 "Do you favor the dissolution of the Winterport Sewerage District and  
37 the acquisition of the assets and liabilities of the Winterport Sewerage  
38 District by the Winterport Water District?"

39 This Act also must be submitted to the Trustees of the Winterport Sewerage District  
40 for a ratification vote at any trustees' meeting.

41 This Act takes effect for all purposes immediately upon its acceptance by the  
42 Trustees of the Winterport Sewerage District and by a majority of the legal voters of  
43 Winterport voting at the election.

1       The results of the election must be declared by the municipal officers of the Town of  
2 Winterport and due certificate of the results filed by the town clerk with the Secretary of  
3 State. The trustees of the Winterport Sewerage District shall certify the results of their  
4 vote and file the certification with the Secretary of State.

5

#### **SUMMARY**

6       This bill consolidates the Winterport Water District and the Winterport Sewerage  
7 District.