

# MAINE STATE LEGISLATURE

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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE**

**SENATE**

**125TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 499, L.D. 1561, Bill, "An Act To Create the Nickerson Lake Sewer District"

Amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas,** in order to protect the water quality of Nickerson Lake, a sewer district must be immediately established; and

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

Amend the bill in section 1 in the 3rd line from the end (page 1, line 16 in L.D.) by inserting after the following: "providing" the following: 'wastewater treatment services, including'

Amend the bill in section 1 in the last 2 lines (page 1, lines 17 and 18 in L.D.) by striking out the following: "to accommodate development"

Amend the bill by striking out all of sections 2 and 3 and inserting the following:

**'Sec. 2. Powers as sewer district.** The district may construct, manage, operate and maintain wastewater treatment facilities, including one or more subsurface disposal systems. It may contract for necessary and appropriate services, including, but not limited to, pumping, treating and disposal services, and do any or all other things necessary or incidental to accomplish the purposes of this Act.

Except as otherwise expressly provided in this Act, the district, for the purposes of supplying the Town of Linneus and the Town of New Limerick and their inhabitants and others within the territory of the district with sewer services, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a sanitary

**COMMITTEE AMENDMENT**

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1 district formed under the Maine Revised Statutes, Title 38, chapter 11, except that  
2 sections 1061, 1062, 1063, 1101, 1101-A, 1102 and 1103; section 1104, subsection 1; and  
3 sections 1105, 1106 and 1151-A do not apply to the district and any notice of impending  
4 automatic foreclosure issued by the district pursuant to section 1208 must bear the name  
5 "Nickerson Lake Sewer District" in all appropriate locations. The provisions of Title 38,  
6 section 1252 apply to the district. Within the territory of the district and in areas outside  
7 the territory of the district located within the Town of Linneus or the Town of New  
8 Limerick, the district may exercise the powers specified under Title 38, section 1151 and  
9 locate one or more septic fields.

10 **Sec. 3. Trustees.** The board of trustees of the district is composed of 5 trustees.  
11 Two trustees are appointed by the municipal officers of the Town of Linneus, one of  
12 whom must be a resident of the Town of Linneus and one of whom must be a resident of  
13 the district. Two trustees are appointed by the municipal officers of the Town of New  
14 Limerick, one of whom must be a resident of the Town of New Limerick and one of  
15 whom must be a resident of the district. The 5th trustee must be appointed by the  
16 municipal officers of the Town of Linneus and the Town of New Limerick and must be a  
17 resident of either town.

18 A quorum of the board of trustees is 3 trustees and a quorum may conduct the affairs  
19 of the district even if there is a vacancy on the board. All trustees serve until their  
20 successors are appointed and qualified. A trustee who ceases to qualify for the office of  
21 trustee shall vacate the office of trustee.

22 The trustees shall organize by election from their own members a chair, a vice-chair,  
23 a treasurer and a clerk and choose and employ and fix the compensation of such other  
24 necessary officers and agents who serve at their pleasure, and the trustees shall adopt a  
25 corporate seal. Prior to the election of said officers each trustee must be sworn to the  
26 faithful performance of the trustee's duties.

27 The trustees may from time to time adopt, establish and amend bylaws consistent  
28 with the laws of the State, and necessary for their own convenience and the proper  
29 management of the affairs of the district and perform any other acts within the powers  
30 delegated to them by law.

31 After the original organizational meeting the trustees shall meet annually at a time  
32 determined by their bylaws for the purpose of electing from among their own members a  
33 chair, vice-chair, treasurer and clerk to serve until the next annual election and until their  
34 successors are elected and qualified. The treasurer shall furnish bond in such sum and  
35 with such sureties as the trustees approve, the cost of the bond to be paid by the district.  
36 The chair, vice-chair, treasurer and clerk may receive such compensation for serving in  
37 these capacities as the trustees determine. This compensation is in addition to the  
38 compensation payable to them as trustees. The trustees shall make and publish an annual  
39 report including a report of the treasurer.

40 The trustees receive compensation as recommended by them and approved by  
41 majority vote of the municipal officers of both the Town of Linneus and the Town of  
42 New Limerick, including compensation for any duties they perform as officers as well as  
43 for their duties as trustees. Certification of the vote must be recorded with the Secretary  
44 of State and recorded in the bylaws. Their compensation for duties as trustees is on the  
45 basis of such specific amount as may be specified in the bylaws, each meeting actually

1 attended and reimbursement for travel and expenses, with the total not to exceed such  
2 specific amount as may be specified in the bylaws.

3 A member of the board of trustees may not be employed for compensation as an  
4 employee or in any other capacity by the district.'

5 Amend the bill in section 7 in the first line (page 2, line 9 in L.D.) by striking out the  
6 following: "Referendum; effective date." and inserting the following: 'Emergency  
7 clause; referendum; effective date.'

8 **SUMMARY**

9 This amendment makes certain changes to the bill to make it consistent with the  
10 sanitary district laws and the laws governing all sewer districts. It also does the  
11 following:

12 1. Clarifies that the purpose of the district is to provide wastewater treatment  
13 services, including subsurface wastewater collection, treatment and disposal services;

14 2. Provides that, within the territory of the district and in areas outside the territory of  
15 the district located within the Town of Linneus or the Town of New Limerick, the district  
16 may exercise the powers specified under the Maine Revised Statutes, Title 38, section  
17 1151 regarding locating its pipes and facilities and may also locate one or more septic  
18 fields;

19 3. Removes the requirement that certain trustees own property within the district;  
20 and

21 4. Adds an emergency preamble to the bill.