

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1561

S.P. 499

In Senate, May 11, 2011

An Act To Create the Nickerson Lake Sewer District

(AFTER DEADLINE)

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

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

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

2 **Sec. 1. Territorial limits; corporate name; purpose.** The territory of the
3 Town of New Limerick and the Town of Linneus described as follows: Beginning at a
4 point on the north shore of Nickerson Lake and the southeast corner of Lot 30 of the
5 Town of New Limerick tax map #13, latitude 46° 5' 46.45" N, longitude 67° 54' 48.99"
6 W, presently owned by Travis Kearney; thence at a bearing of 51 degrees to a point on
7 the southwest line of Lot 4 of the Town of New Limerick tax map #6, latitude 46° 5'
8 48.22" N, longitude 67° 54' 45.68" W, presently owned by Richard Mitchell; thence
9 along the southwest and south property lines of said Mitchell property to the intersection
10 of the Crescent Park Road and Aspen Lane, latitude 46° 5' 42.35" N, longitude 67° 54'
11 33.18" W; thence along the centerline of Aspen Lane to the point at which it crosses the
12 outflow of Nickerson Lake, latitude 46° 5' 26.48" N, longitude 67° 54' 27.37" W; thence
13 along the centerline of said outflow to the east shore of Nickerson Lake in the Town of
14 Linneus; thence along the north shore of Nickerson Lake to the point of beginning; and
15 its inhabitants constitute a body politic and corporate under the name of Nickerson Lake
16 Sewer District, referred to in this Act as "the district," for the purpose of providing
17 subsurface wastewater collection, treatment and disposal services to accommodate
18 development.

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

24 Except as otherwise expressly provided in this Act, the district, for the purposes of
25 supplying the Town of Linneus and the Town of New Limerick and their inhabitants and
26 others within the territory of the district with sewer services, has all the powers, rights,
27 privileges and authority and is subject to all the requirements and restrictions of a sanitary
28 district formed under the Maine Revised Statutes, Title 38, chapter 11, except that
29 sections 1063, 1101, 1102, 1103, 1106 and 1151-A do not apply to the district and any
30 notice of impending automatic foreclosure issued by the district pursuant to section 1208
31 must bear the name "Nickerson Lake Sewer District" in all appropriate locations.

32 **Sec. 3. Number of trustees.** The board of trustees of the district is composed of 5
33 trustees. Two trustees are appointed by the municipal officers of the Town of Linneus,
34 one of whom must be the owner of property within the district and a resident of the Town
35 of Linneus and one of whom must be a resident of the district. Two trustees are
36 appointed by the municipal officers of the Town of New Limerick, one of whom must be
37 the owner of property within the district and a resident of the Town of New Limerick and
38 one of whom must be a resident of the district. The 5th trustee must be appointed by the
39 municipal officers of the Town of Linneus and the Town of New Limerick and must be a
40 resident of either town.

41 **Sec. 4. First board.** The first board of trustees of the district is appointed by the
42 municipal officers of both the Town of Linneus and the Town of New Limerick. The

1 terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section
2 6410, subsection 4.

3 **Sec. 5. Terms of trustees; vacancies.** After the appointment of the first board of
4 trustees of the district, trustees are appointed to 3-year terms. Vacancies must be filled by
5 municipal appointment for 3-year terms.

6 **Sec. 6. Town responsibility.** Except for the appointment of the first board of
7 trustees and the initial referendum, the Town of Linneus and the Town of New Limerick
8 are not responsible for any acts of the district.

9 **Sec. 7. Referendum; effective date.** This Act takes effect when approved only
10 for the purpose of permitting its submission to the legal voters within the territory
11 described in section 1 of this Act at a referendum called for that purpose and held after
12 July 1, 2011 but within 2 years after the effective date of this Act. The referendum must
13 be called by the municipal officers of the respective towns and must be held at the regular
14 voting places. The referendum must be called, advertised and conducted according to the
15 law relating to municipal elections. The registrars shall make a complete list of all the
16 eligible voters of the proposed district as described in this Act. The list prepared by the
17 registrars governs the eligibility of a voter. For the purpose of registration of voters, the
18 registrars of voters must be in session the regular workday preceding the referendum.
19 The subject matter of this Act is reduced to the following question:

20 "Do you favor creating the Nickerson Lake Sewer District?"

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

23 The results must be declared by the municipal officers of the Town of Linneus and
24 the Town of New Limerick and due certificate of the results filed by the clerks with the
25 Secretary of State.

26 This Act takes effect for all other purposes immediately upon its approval by a
27 majority of the legal voters of each town voting at the referendum. Failure to achieve the
28 necessary approval in any referendum does not prohibit subsequent referenda consistent
29 with this section as long as the referenda are held within 2 years after the effective date of
30 this Act.

31 **SUMMARY**

32 This bill creates the Nickerson Lake Sewer District.