

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 1248

H. P. 1595

House of Representatives, March 6, 1947

Transmitted by the revisor of statutes pursuant to joint order

On Motion of Mr. Woodworth of Fairfield tabled pending reference and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Marshall of York by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Establish the Old Orchard Beach Sewage District.

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

Sec. 1. Territorial limits; corporate name and purposes. The territory of the town of Old Orchard Beach in the county of York, and the inhabitants within the same and the area comprising the ocean bed of Saco Bay adjoining said Old Orchard Beach, extending 3,500 feet below and beyond high-water mark, in order to accomplish the purposes of this act, shall be and hereby are constituted a body politic and corporate under the name of the Old Orchard Beach Sewage District, hereinafter called the district, for the purpose of providing and maintaining within the district a sewer system, drains and sewerage disposal plants, when, as and if such sewer system, drains and sewerage disposal plans become necessary, for public purposes and for the health, comfort and convenience of the inhabitants of said district, and for insuring the purity of the bathing waters of Saco Bay, adjacent to said Old Orchard Beach, and said district is hereby invested with all the powers, rights, privileges and immunities incident to similar corporations, or necessary for the accomplishment of these purposes.

Sec. 2. Powers. The district is hereby authorized for the purposes aforesaid to take over and hold the sewers and other assets of the existing sewerage system of the town of Old Orchard Beach, and to acquire and hold by purchase, lease, the exercise of the right of eminent domain, or otherwise, land, real estate, rights, easements or interests therein, located within the district or elsewhere, and personal property. It also is empowered through its trustees to make contracts with persons or corporations for the collection, discharge and disposal of sewerage and other waste matter.

Sec. 3. Assumption of liabilities. Said district hereby assumes any and all indebtedness and liability now existing on the part of said town for sewerage construction, repairs and maintenance, and particularly the unpaid balance of the \$20,000 in bonds heretofore issued by said town for sewerage system repairs.

Sec. 4. Power to lay and maintain sewers. The district is hereby authorized to lay in and through streets and highways, under any water course, way, or public and private railroad, in the manner prescribed by law, within and outside the district, and to remove and replace such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever the district shall lay, remove, or replace any pipes, aqueducts or fixtures in any street or highway, it shall cause the work to be done with as little obstruction as possible to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement to be replaced in proper condition.

Sec. 5. Officers. The affairs of the district shall be managed by a board of trustees composed of 5 members, who shall be residents therein, and who shall be elected at the annual election. The first board shall be selected by the municipal officers, one shall be chosen for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years; and thereafter 1 trustee shall be elected each year at the annual election to serve for the term of 5 years. As soon as convenient, after the members of the board have been chosen, they shall hold a meeting to elect a chairman and other needed officers and agents for the purpose, conduct and management of its affairs. In case a vacancy occurs the remaining trustees may choose another member to serve until the next annual election, at which time election of a trustee for the unexpired term shall also be had. The compensation of each trustee shall be \$100 per year. The trustees may make reasonable rules, regulations and by-laws.

Trustee serving as treasurer shall furnish bond in such sum and with such sureties as they may approve.

Sec. 6. Bonds and notes. For accomplishing the purposes of this act, the district is hereby authorized and empowered through its trustees, to issue notes, bonds, and other evidence of indebtedness to an amount sufficient to procure funds to pay the expenses incurred in acquiring and constructing its plant or plants, properties and franchises for further extension, additions or improvements of the same, whether done at one time or from time to time, and to refund same as they fall due. Said notes, bonds, and other evidences of indebtedness shall be a legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Said bonds shall be a legal investment for savings banks. The trustees may also borrow on the notes of the district such sums as may be necessary to meet the current expenses of the district in anticipation of the collection of rates.

Sec. 7. Rates; application of revenue. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by the trustees for the services used or made available to them. The rates may include rates for the district's readiness to serve charged against owners, or persons in possession, or against whom the taxes are assessed, of all buildings or premises intended for human habitation or occupancy or use, whether the same are occupied or not, which abut on a street or location through which said district has constructed a sewer line, or the property line of which is within 100 feet of a sewer line constructed by said district although said premises are not actually connected thereunto. Rates shall be uniform within the district, and the rates, rules and regulations of the district shall be subject to the approval of the public utilities commission. The rates shall be so established as to provide revenue for the following purposes:

I. To pay the current running expenses for operating and maintaining the sewerage system, including provision for depreciation.

II. To provide for the payment of interest on the indebtedness created by the district.

III. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness of the district, which sum shall be turned into a sinking fund for the final extinguishment of the debt. The money so set aside shall be devoted to the retirement of the obligations of the district, or invested in securities lawful for savings banks. Provided, however, that the trustees may, in their discretion, and in lieu of

the establishment of a sinking fund, issue bonds of the district, so that not less than 1% of the bonds issued shall mature and be retired annually.

IV. If any surplus remains after the year's operation, this surplus may be added to the sinking fund.

Sec. 8. Rights of abutters to enter sewer. The district at all times shall be bound to permit the owners of premises abutting upon its lines of pipes and conduits to enter the same with all proper sewerage upon conformity to the rules and regulations of the district and payment of the rates, prices and rentals established therefor. The owner, or persons in possession, or against whom taxes are assessed of all buildings or premises intended for human habitation occupancy, or use, abutting on a street in which there is a public sewer or if the property line of the premises containing said building is within 100 feet of a public sewer, shall connect with said sewer in the most direct manner possible within 90 days of receiving notice thereof from the sewerage district.

Sec. 9. Lien for payment of rates. There shall be a lien to secure the payment of sewer rates legally assessed on real estate within the town of Old Orchard Beach which shall take precedence of all other claims on said real estate and interest excepting only claims for taxes. Real estate, for the purpose of this act, shall bear the same definition as given in section 3 of chapter 81 of the revised statutes. The treasurer of the sewerage district shall have the authority and power to collect said sewer rates, and all rates shall be committed to him. In addition to other methods previously established by law for the collection of said rates, the lien herein created may be enforced in the following manner; provided, however, that in making the assessment for sewer services there shall be a description of the real estate served by the several sewers of the district, sufficiently accurate to identify the real estate against which any of the several rates may be charged; the treasurer, when a rate has been committed to him for collection, may, after the expiration of 8 months and within 1 year after date of commitment to him of said rate, in the case of a person resident in the town where the rate is assessed, give to the person against whom said rate is assessed, or leave at his last and usual place of abode, a notice in writing signed by said officer stating the amount of such rate, describing the real estate on which the rate is assessed, alleging that a lien is claimed on said real estate to secure the payment of the rate and demanding the payment of said rate within 10 days after the service of such notice. After the expiration of said 10 days and within 10 days thereafter, in the case of a

resident, and in all other cases within 1 year from the date of commitment of said rate to said officer, said officer shall record in the registry of deeds of the county where said real estate is situated a certificate signed by said officer setting forth the amount of such rate, a description of the real estate on which the rate is assessed and an allegation that a lien is claimed on said real estate to secure the payment of said rate, that a demand for payment of said rate has been made in accordance with the provisions of this act and that said rate remains unpaid. In all cases such officer shall file in the office of the said sewerage district a true copy of said certificate and also at the time of recording as aforesaid the said officer shall mail by registered letter to each record holder of a mortgage on said real estate, addressed to him at his last and usual place of abode, a true copy of said certificate. The fee to be charged to the rate-payer for such notice and filing shall not exceed \$1 and the fee to be charged by the register of deeds for such filing shall not exceed 50c.

The filing of the aforesaid certificate, in the registry of deeds as aforesaid, shall be deemed to create and shall create a mortgage on said real estate to the said sewerage district in which the real estate is situated having priority over all other mortgages, liens, attachments and encumbrances of any nature except liens, attachments and claims for taxes, and shall give to the sewerage district all the rights usually incident to a mortgagee, except that the mortgagee shall not have any right of possession of said real estate until the right of redemption herein provided for shall have expired.

If said mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as herein provided, the said mortgage shall be deemed to have been foreclosed and the right of redemption to have expired.

The filing of said certificate in said registry of deeds shall be sufficient notice of the existence of the mortgage herein provided for.

In the event that said rate, interest and costs shall be paid within the period of redemption herein provided for, the treasurer of said sewerage district shall discharge said mortgage in the same manner as is now provided for discharge of real estate mortgages.

Sec. 10. Tax exemption. The property of the district shall be exempt from taxation.

Sec. 11. Effective date. This act shall take effect when approved by a majority vote by ballot of the voters of said Old Orchard Beach at a legal meeting, to be called therefor, subsequent to the effective date of this act.