

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 218

H. P. 661

House of Representatives, January 28, 1949

Referred to the Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Parker of Sebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Amending the Charter of the Milo Water District.

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

P. & S. L., 1941, c. 62, § 16, amended. Section 16 of chapter 62 of the private and special laws of 1941 is hereby amended to read as follows:

'Sec. 16. Water rates; application of revenue; sinking fund; lien for payment of rates. All individuals, firms and corporations, whether private, public or municipal shall pay to the treasurer of said district the rates established by said board of trustees for the service used by them ~~and said rates.~~ The rates may include rates for the district's readiness to serve charged against owners, or persons in possession, or against whom 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 thereto.

Rates shall be uniform within the territory supplied by the district, and the water rates shall be subject to the approval of the public utilities commission. Said water and sewer rates shall be so established as to provide revenue for the following purposes:

1. To pay current expenses for operating and maintaining the water system and sewer system.
2. To provide for the payment of the interest on the indebtedness created by the district.
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sums shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.
4. If any surplus remains at the end of the year, it may be turned into the sinking fund.

“There shall be a lien to secure the payment of sewer rates legally assessed on real estate within the territory included in the said Milo Water District 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 Milo Water 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 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 Milo Water 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 \$2 and the fee to be charged by the register of deeds for such filing shall not exceed 50 cents. 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 Milo Water 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 Milo Water District all the rights usually incident to a mortgage, 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 Milo Water District shall discharge said mortgage in the same manner as is now provided for discharge of real estate mortgages.

Interest at the rate of 6% per year shall be charged on all rates remaining unpaid and because of such unpaid rate a lien for payment has to be recorded in registry of deeds of Piscataquis county.

Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its sub-

mission to the legal voters of the territory embraced within the limits of said district, present and voting at the next annual meeting of the Milo Water District. Such meeting shall be called by an appropriate article inserted in the call for the meeting and shall be called, advertised and conducted according to the charter of the Milo Water District. The clerk of the Milo Water District shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Amending the Charter of the Milo Water District', passed by the 94th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The result of the vote in said district shall be declared by the trustees of said Milo Water District and a certificate thereof filed by the clerk with the secretary of state immediately after the determination of the vote. This act shall become effective in full upon the date that the certificate of the result of the votes is filed with the secretary of state to the effect that this act is accepted.