

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 640

H. P. 1060

House of Representatives, February 13, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Castonguay of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Amending the Charter of the Waterville Sewerage District.

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

Sec. 1. P. & S. L., 1949, c. 211, § 1, amended. The 2nd sentence of section 1 of chapter 211 of the private and special laws of 1949 is hereby amended to read as follows:

‘The purpose of said district shall be to take over, control, manage and operate the sewers now owned by the city of Waterville with all ~~appurtenances~~ **appurtenances** thereto; to extend, increase, enlarge and improve said drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of the city not now served with such facilities; to provide for surface drainage as well as removal of sewage and to provide treatment of sewage in whole or in part before discharging it into rivers when, as and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage and storm water drainage for public purposes and for the health and comfort and convenience of the inhabitants of said district.’

Sec. 2. P. & S. L., 1949, c. 211, § 6, amended. Section 6 of chapter 211 of the private and special laws of 1949 is hereby amended to read as follows:

‘Sec. 6. Sanitary provisions and penalty for violation. Any person who shall place or discharge any offensive or injurious matter or material on or into the conduits, catch-basins or receptacles of said district contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch-basin, inlet, manhole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act, shall be liable to pay twice the amount of the damage to said district, to be recovered in any proper action; and such person, on conviction of either of said acts of wilful injury aforesaid, shall be punished by a fine not exceeding \$200 ~~and by imprisonment not exceeding 1 year~~ or by imprisonment not exceeding 6 months or by both such fine and imprisonment.’

Sec. 3. P. & S. L., 1949, c. 211, § 9, amended. The last paragraph of section 9 of chapter 211 of the private and special laws of 1949 is hereby amended to read as follows:

‘Distribution of surplus shall be at the discretion of the ~~trustees~~ commissioners.’

Sec. 4. P. & S. L., 1949, c. 211, § 10-A, additional. Chapter 211 of the private and special laws of 1949 is hereby amended by adding thereto a new section to be numbered 10-A, to read as follows:

‘Sec. 10-A. Lien to secure payment of rates; procedure. There shall be a lien to secure the payment of rates established under the provisions of section 10 and legally assessed on real estate within the district, which shall take precedence of all other claims on such real estate, excepting only claims for taxes. Real estate, for the purposes of this act, shall bear the same definition as given in section 3 of chapter 81 of the revised statutes of 1944.

The treasurer of the district shall have the authority and power to collect the rates, and all rates shall be committed to him.

In addition to other methods previously established by law for the collection of the rates, the lien herein created may be enforced in the following manner; provided, however, that in making the assessment 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 the rate, in the case of a person resident in the town where the rate is assessed, give to the person against whom the rate is assessed, or leave at his last and usual place of abode, a notice in writing signed by the officer stating the amount of such

rate, describing the real estate on which the rate is assessed, alleging that a lien is claimed on the real estate to secure the payment of the rate and demanding the payment of the rate within 10 days after the service of such notice. After the expiration of the 10 days and within 10 days thereafter, in the case of a resident, and in all other cases within a year from the date of commitment of the rate to said officer, the officer shall record in the registry of deeds of Kennebec county a certificate signed by the 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 the real estate to secure the payment of the rate, that a demand for payment of the rate has been made in accordance with the provisions of this act and that the rate remains unpaid. In all cases, except in the case of a resident, the certificate so filed need not contain the allegation that payment of the rate has been demanded. At the time of the recording of the certificate in the registry of deeds as herein provided, in all cases such officer shall file in the office of the district a true copy of the certificate and also at the time of recording as aforesaid, the 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 the 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 the real estate to the district 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 district all the rights usually incident to a mortgage, except that the mortgagee shall not have any right of possession of the real estate until the right of redemption herein provided for shall have expired.

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

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

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