

# MAINE STATE LEGISLATURE

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# NINETY-SEVENTH LEGISLATURE

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**Legislative Document**

**No. 423**

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H. P. 380

House of Representatives, February 2, 1955

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

HARVEY R. PEASE, Clerk

Presented by Mr. Hancock of York.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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### AN ACT Amending the Charter of York Sewer District.

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

**Sec. 1. P. & S. L. 1951, c. 63, § 3, amended.** The last sentence of the third paragraph of section 3 of chapter 63 of the private and special laws of 1951 is hereby amended to read as follows :

'The trustees, as such, shall ~~serve without compensation~~ **receive such compensation, not in excess of \$75 per year, as they may determine**; but the treasurer may be allowed such **additional** compensation as the trustees shall determine.'

**Sec. 2. P. & S. L. 1951, c. 63, § 16, amended.** The first sentence of section 16 of chapter 63 of the private and special laws of 1951 is hereby amended to read as follows :

'For accomplishing the purposes of this act, said district, by resolution of its board of trustees, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes, and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including organizational and other necessary expenses and liabilities; and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, extensions, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, said York Sewer District, by resolution of its board of trustees, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in 1 series, or in separate series, in an amount or amounts at such rates of interest and on such terms and conditions as the trustees shall determine ;

provided, however, that the total outstanding indebtedness of said district shall at no time exceed the sum of ~~\$400,000~~ \$800,000.'

**Sec. 3. P. & S. L. 1951, c. 63, § 17, amended.** The first sentence of section 17 of chapter 63 of the private and special laws of 1951 is hereby amended to read as follows:

'All persons and corporations, whether public, private or municipal, shall pay to the treasurer of said district the entrance charges, rates, tolls, rents and other lawful charges established by the trustees for the sewer or drainage service used, ~~or to which such beneficial service is available with respect to their lots or parcels of land; and in determining real estate interests, "real estate" as defined in section 3 of chapter 81 of the revised statutes may be applied by the trustees or available to them,~~ which rates shall include rates for the district's readiness to serve charged against owners of real estate, whether or not improved, abutting on or accessible to sewers or drains of the district, but not actually connected thereunto.'

**Sec. 4. P. & S. L. 1951, c. 63, § 18, amended.** Section 18 of chapter 63 of the private and special laws of 1951 is hereby repealed and the following enacted in place thereof:

'Sec. 18. Fiscal year. The fiscal year of the district shall commence on the 1st day of July in each year and shall end on the 30th day of June of the following year.'

**Sec. 5. P. & S. L. 1951, c. 63, § 19, amended.** Section 19 of chapter 63 of the private and special laws of 1951 is hereby repealed and the following enacted in place thereof:

'Sec. 19. Lien for payment of rates. There shall be a lien on real estate served by the sewers or drains of the district, or as to which such service is available to secure the payment of rates, tolls, rents and other charges established and due under section 17 of this act, which shall take precedence over all other claims on such real estate, 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 92 of the revised statutes of 1954.

The treasurer of the district shall have the full and complete authority and power to collect the rates, tolls, rents and other charges established under section 17 of this act, and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district for any rate, toll, rent or other charge now remaining due and unpaid or hereafter becoming due and unpaid in any court of competent jurisdiction, and no trial justice or judge of any court before whom such suit is brought shall be incompetent to try the same by reason of his residence in the district.

In addition to other methods established by law for the collection of rates, tolls, rents and other charges and without waiver of the right to sue for the same as aforesaid, the lien hereby created may be enforced as hereafter in this section 19 provided. The treasurer, when a rate, toll, rent or other charge has become due and payable, may, after the expiration of 3 months and within 1 year after the date when the same became due and payable, in the case of a person resident

within the district, give to such person, or leave at his last and usual place of abode, a notice in writing signed by the treasurer stating the amount of such rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed on said real estate to secure the payment of said rate, toll, rent or other charge, and demanding payment of said rate, toll, rent or other charge within 30 days after the service of such notice as aforesaid. In the case of a non-resident of the district the aforesaid notice shall be given by registered mail addressed to his last known address or by publication in a newspaper of general circulation within the district once a week for 2 successive weeks, and shall demand payment within 30 days after the mailing thereof or the first publication of notice thereof as aforesaid. After the expiration of said period of 30 days and within one year thereafter, the treasurer may record in the registry of deeds of York county a certificate signed by the treasurer, setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of said rate, toll, rent or other charge, and that a notice and demand for payment of the same has been given or made in accordance with the provisions of this section, and stating further that said rate, toll, rent or other charge remains unpaid. At the time of recording any such certificate in the registry of deeds as heretofore provided, the treasurer shall file in the office of the district a true copy of such certificate, and shall mail a true copy thereof by registered mail to each record holder of any mortgage on said real estate, addressed to such record holder at his last and usual place of abode. The fee to be charged by the district to the rate payer for such notice and filing and recording shall not exceed \$1.50, and the fee to be charged to the district by the register of deeds for such filing and recording 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 therein described to the district which shall have 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 possessed by a mortgagee, except that the district as mortgagee shall not have any right of possession of said real estate until the right of redemption hereafter provided for shall have expired. If the mortgage, together with interests 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 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 hereby provided for. In the event that said rate, toll, rent or other charge, together with interest and costs as aforesaid, shall be paid within 18 months after the filing of said certificate in the registry of deeds, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.'

**Sec. 6. P. & S. L. 1951, c. 63, §§ 20, 21 and 22 repealed.** Section 20, 21 and 22 of chapter 63 of the private and special laws of 1951 are hereby repealed.

**Sec. 7. P. & S. L. 1951, c. 63, §§ 23, 24 and 25, renumbered.** Sections 23, 24 and 25 of chapter 63 of the private and special laws of 1951 are hereby renumbered to be sections 20, 21 and 22, respectively.