

MAINE STATE LEGISLATURE

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STATE LEGISLATURE

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 386

H. P. 290

House of Representatives, January 31, 1957.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Letourneau of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of the Sanford Sewerage District.

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

Sec. 1. P. & S. L., 1947, c. 169, § 1, amended. Section 1 of chapter 169 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 1. Territorial limits; corporate name; purposes. The inhabitants and territory within the town of Sanford in the county of York shall be, and hereby are, created a body politic under the corporate name of the "Sanford Sewerage District," hereinafter called the district, for the purposes of providing and maintaining within the district the existing sewers and such additions thereto as are necessary for the adequate operation of said system, and the district is hereby authorized to construct, maintain and operate such systems of sewage and sewage disposal, and to lay, make and maintain such common sewers as the board of trustees may, from time to time, deem necessary for the disposing of its sewage. ~~The district may also construct, maintain and operate such works as it may deem necessary in connection with said system, and for the purpose of providing better surface or other drainage for any part of the district, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best, may deepen, widen and clear all obstructions in brook, stream or water course within the limits of the district, and straighten, alter or divert the courses or channels thereto, and said~~ Said district is hereby invested with all powers, rights, privileges and immunities incident to similar corporations or necessary for the accomplishment of these purposes.

The purposes herein stated shall in no event impose any obligation or duty upon said District to operate or maintain any system or portions thereof within

the District providing for surface or highway drainage, for the operation or maintenance of storm-water lines, or impose any obligation or duty on said District to clean, clear or widen any brooks, streams or water courses within said District, or to maintain any catch-basins and remove snow therefrom within said District; provided, however, that so long as any storm-water lines or catch-basins remain combined or connected with any sanitary sewer lines within said District, the District shall have the duty and obligation to operate and maintain the same, exclusive of the removal from catch-basins of ice and snow, leaves and other obstructions, until said storm-water lines and catch-basins shall be separated by said District from said sanitary sewer lines and transferred over to the Town of Sanford under the jurisdiction of the Highway Department or Departments within said District as hereinafter provided.'

Sec. 2. P. & S. L., 1947, c. 169, § 6, amended. The last 2 paragraphs of section 6 of chapter 169 of the private and special laws of 1947 are hereby repealed and the following enacted in place thereof:

'If district funds for the maintenance and improvement and extension of storm-water facilities and drainage under the District's supervision are not sufficient therefor, articles may be inserted in the town warrant for any town meeting of the Town of Sanford and appropriations made for such purposes. Such appropriations shall be expended under the supervision of the Trustees of said District, and such improvements and extensions shall be the property of said District until they are transferred over to the Town of Sanford under the jurisdiction of the Highway Department or Departments within said District as hereinafter provided. The trustees may establish reasonable rules, regulations and by-laws for the use of sewers and fix and collect the fees to be paid for entering the same and also the quarterly rentals for the use thereof.

In addition to the above, the chairman of the Board of Selectmen and the chairman of the Planning Board of the Town of Sanford shall be ex officio members of the Board of Trustees, with all the powers invested in them as are delegated to a regularly elected member of said Board.'

Sec. 3. P. & S. L., 1947, c. 169, § 9, repealed and replaced. Section 9 of chapter 169 of the private and special laws of 1947 is hereby repealed and the following enacted in place thereof:

'Sec. 9. Rental for catch-basins. The District is hereby authorized to charge as annual rental to the Town of Sanford for the use of said sewerage system as public drains for highways the sum of \$20 per catch-basin within said District and connected with the District's sanitary sewerage system, said sum to be used under the supervision and direction of the District's trustees for the following purposes: to clean, maintain, improve and repair said catch-basins; to maintain and repair storm-water lines leading from said catch-basins; when necessary for the efficient operation of the sanitary sewerage system to clear brooks and streams fed by or feeding into such catch-basins or storm-water lines connected with said sanitary sewerage system; and to develop and carry out a program of separating such catch-basins and storm-water lines, now connected with the sanitary sewerage system, from such system wherever such separation is feasible in the judgment of said District's trustees in order to minimize the amount of

storm water using the sanitary sewerage system, including any sewerage disposal plant to be hereafter installed.

As funds provided for in this section permit, and so far as such separation may be feasible as provided in this section, and under the direction and supervision of the Board of Trustees of said District, the catch-basins, storm-water lines and any other surface drainage facilities now connected with the sanitary sewerage system shall as rapidly as possible be separated from said sanitary sewer system by methods and devices such as connecting catch-basins into storm-water lines, extending storm-water lines to natural watercourses, and diverting storm-water sources away from sanitary sewerage lines. As such separation is effected, the District, acting through its trustees, is authorized to convey by deed signed by a majority of such trustees to the Inhabitants of the Town of Sanford, any and all right, title and interest which said District may have in and to such separated catch-basins, storm-water lines and other surface drainage facilities now located within said District, and the said Inhabitants of the Town of Sanford by action of a majority of its Selectmen shall accept such separated catch-basins, storm-water lines and other surface drainage facilities to be thereafter maintained, repaired, replaced and extended under the direction of said Inhabitants of the Town of Sanford as a part of the usual and regular functions of its Highway Department or Departments.'

Sec. 4. P. & S. L., 1947, c. 169, § 12-A, additional. Chapter 169 of the private and special laws of 1947, as amended, is hereby further amended by adding thereto a new section, to be numbered 12-A, to read as follows:

'Sec. 12-A. Collection of delinquent rates. Any individual, firm or corporation, whether public, private or municipal, to whom rates are charged by the District for its services used or available to them and who is delinquent in the payment thereof for a period of 90 days or more, shall be indebted thereafter to the District for such delinquent rates and also for all reasonable costs of collection and attorneys' fees incurred by the District in effecting collection of such delinquent rates. The District shall be authorized to use all necessary and proper legal proceedings in the collection of such delinquent accounts and costs. Within 60 days after this section shall become effective, all billings of said district shall have clearly printed on them excerpts of this section for the information of all users of the District's services.'

Sec. 5. P. & S. L., 1947, c. 169, § 13-A, additional. Chapter 169 of the private and special laws of 1947, as amended, is hereby further amended by adding thereto a new section, to be numbered 13-A, to read as follows:

'Sec. 13-A. Assessment against lot benefited. When upon petition of the owners or persons in possession of at least 51% of the front footage of lots or parcels of land to be benefited, the District through its Board of Trustees has voted to construct and has constructed and completed within its geographical limits, a sanitary sewerage line together with its appurtenances and connections, being a lateral line or a main or sub-main, so called, and expressly excluding from the operation of this section interceptors, outfall sewers or trunk lines, and such sanitary sewerage line being where such a line did not previously exist, the Trustees of said District shall determine what lots or parcels of land have

benefited by such line, together with its appurtenances and connections, and the Trustees shall then proceed to cause a part of the cost of such construction and completion, not exceeding one-half of the whole cost, to be apportioned and assessed upon the lots or parcels so benefited, whether such parcel or lot is occupied or not, and against the owner thereof or person in possession.

At the time that construction of such line has been fully completed and all costs therefor have been submitted to the District, notification of the assessment and the amount thereof shall be mailed by the District to the owners or persons in possession petitioning for such line or connecting with such line. Notification of the assessment and the amount thereof shall be mailed by the District to all other owners or persons in possession to be benefited by such line at such time as such other owners or persons in possession shall make connection therewith.

In the event that payments of the assessments so made are not paid for a period of 90 days or more after the notification of such assessment to the owner, or person in possession, then the provisions of section 12-A shall be applied to the collection of such delinquent assessments.'

Sec. 6. P. & S. L., 1947, c. 169, § 13-B, additional. Chapter 169 of the private and special laws of 1947, as amended, is hereby further amended by adding thereto a new section, to be numbered 13-B, to read as follows:

'Sec. 13-B. Amendment procedure. Amendments to this charter shall be first inserted in appropriate articles in the town warrant and submitted for action to the duly elected and qualified representative town meeting members at any duly called town meeting of the town of Sanford, whether annual or special, and if accepted by a majority at such meeting, shall then be submitted to the next session of the Legislature, to become effective 90 days after adjournment of the Legislature to which the amendments have been submitted. The Legislature, however, may first initiate amendments to this charter by favorable action thereon, which amendments shall then be submitted to the representative town meeting members at the next annual or special town meeting of the Town of Sanford, and shall become effective if accepted by a majority at such meeting.'