

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1544

H. P. 1075

House of Representatives, April 30, 1957.

Reported by Mr. Plante from Committee on Public Utilities. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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 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 or 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 3rd paragraph of section 6 of chapter 169 of the private and special laws of 1947 is hereby amended to read as follows:

'As soon as convenient after said 1st election, the trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place, and delivered in hand to the 2 other members and the ~~ex-officio members~~ not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by the election of a chairman and other needed officers from their own number, adopt a corporate seal and by-laws.'

Sec. 2-A. 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:

'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. The trustees also shall prepare, publish and make available for any interested inhabitants of the district an annual report and financial statement of the affairs of the district for the calendar year just preceding, such report and statement to be so prepared, published and made available as soon as practicable after the close of the calendar year.'

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-basin and storm-water lines, now connected with the sani-

tary 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 water courses, 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. 3-A. P. & S. L., 1947, c. 169, § 10, amended. The first sentence of section 10 of chapter 169 of the private and special laws of 1947 is hereby amended to read as follows:

'To procure funds for the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said district, without a district vote, but by action of its board of trustees, is authorized to issue its notes and bonds in one series, or in separate series from time to time, to an amount not exceeding the sum of ~~\$500,000~~ \$1,000,000.'

Sec. 3-B. P. & S. L., 1947, c. 169, § 10, amended. The last 2 sentences of section 10 of chapter 169 of the private and special laws of 1947 are hereby amended to read follows:

'Each loan ~~shall~~ may be payable ~~in annual amounts of principal, beginning not more than 1 year from its date in approximately equal annual serial installments,~~ or made to run for such term as said trustees shall determine, but no series shall run for a longer period than 40 years from its date; and bond and notes may be issued as aforesaid for the purpose of paying or refunding bonds or notes theretofore issued, provided that the total amount of bonds and notes at any one time outstanding shall not exceed the aforesaid sum of \$1,000,000. All bonds or notes issued by said district shall bear the district seal, and shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall bear the facsimile signature of the ~~chairman and~~ treasurer.'

Sec. 3-C. P. & S. L., 1947, c. 169, § 11, amended. The last paragraph of section 11 of chapter 169 of the private and special laws of 1947 is hereby repealed as follows:

'In case the amount in said sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, or if bonds of said district can be purchased by said trustees on favorable terms, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said district, but in no case shall new bonds run beyond 40 years from date of issue.'

Sec. 4. P. & S. L., 1947, c. 169, § 13, replaced. Section 13 of chapter 169 of the private and special laws of 1947, previously repealed by section 3 of chapter 86 of the private and special laws of 1953, is hereby replaced to read as follows:

'Sec. 13. Lien for payment of rates. There shall be a lien on real estate served by the sewers of the district, or as to which such service is available, to secure payment of the rates and charges established and due under section 12, 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 4 of chapter 91-A of the Revised Statutes of 1954, as amended.

The treasurer of the district shall have the full and complete authority and power to collect the rates, and charges established under section 12. The treasurer may, after demand for payment sue in the name of the district for any rate or 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. The treasurer may also sue for any rates or charges which shall become due after this section becomes effective and which shall remain due and unpaid for a period of 90 days or more thereafter and shall include in the amount sued for all reasonable costs of collection and attorney's fees incurred by the district in effecting collection of such rates and charges. 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.

In addition to other methods established by law for the collection of rates and 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 provided. The treasurer, when a rate or other charge has become due and payable, may, after expiration of 3 months and within 1 year after the date when the same become 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 or charge, describing, but only sufficiently to identify the same, 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 or charge, and demanding payment of said rate or 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 or charge, describing, but only sufficiently to identify the same, the real estate on which the lien is claimed, and stating that a lien is claimed on such real estate to secure the payment of said rate, or charge, and that a notice and demand for payment of the same has been given or made in accordance with the provision of this section, and stating further that said rate or 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 such 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 or 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. 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. Where, 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 13 shall be applied to the collection of such delinquent assessments.'

Sec. 5-A. 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. Quasi-municipal corporation. The District is hereby declared to be a quasi-municipal corporation within the meaning of section 136 of chapter 53 of the Revised Statutes of 1954, and all of the provisions of said section shall be applicable thereto.'

Sec. 5-B. P. & S. L., 1947, c. 169, § 13-C, 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-C, to read as follows:

'Sec. 13-C. Validation. All action heretofore taken by the Sanford Sewerage District and by the trustees and officers thereof and all elections of such trustees and officers are hereby validated, and declared to be legal and valid acts and elections, and the title of the trustees and officers of the Sanford Sewerage District to their respective offices is hereby validated.'

Sec. 5-C. P. & S. L., 1947, c. 169, § 13-D, 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-D, to read as follows:

'Sec. 13-D. Separability. In the event that any sections or portions of chapter 169 of the private and special laws of 1947 or of any acts amendatory thereof shall be held to be unconstitutional or otherwise ineffective and null and void by a court of competent jurisdiction, the remaining sections and portions thereof shall be separated from those held to be unconstitutional and null and void and shall continue to be operative.'

Sec. 5-D. P. & S. L., 1947, c. 169, § 13-E, 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-E, to read as follows:

'Sec. 13-E. Amendment procedure. Future 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.'

Sec. 6. P. & S. L., 1947, c. 169, § 14, amended. Section 14 of chapter 169 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 14. **Local referendum.** This act shall take effect 90 days after the adjournment of the Legislature only for the purpose of permitting its submission to the legal voters of the town of Sanford present and voting for or against the acceptance of ~~the district~~ **this act** as hereinafter provided for in this section at a regular town meeting or at a special town meeting held prior to January 1, ~~1948~~ **1958**, called and held at the regular voting places of the town by the officers of the town of Sanford authorized to call such meetings. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said meeting; but only if the total number of votes cast for and against the acceptance of this act in said election equals or exceeds 20% of the total vote for all candidates for Governor cast in said town at the previous gubernatorial election. Such election shall be called, advertised and conducted according to the law relating to municipal elections, provided, however, that the board of registration in said town of Sanford shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days preceding such election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act ~~Creating a Sewer District~~ **amending the charter of the Sanford Sewerage District** in the town of Sanford, **passed by the 98th Legislature**, be accepted?" and the voters shall indicate by a cross **or check mark** placed against the words "Yes" or "No" their opinion of the same. A check list shall be used at such election.

The result shall be declared by the municipal officers and due certificate thereof filed with the Secretary of State by the clerk of said town.'