

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Sec. 18. Existing statutes not affected; rights conferred subject to provisions of law. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of the existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all applicable provisions of chapter 40 of the revised statutes and all acts amendatory thereof and additional thereto.

Effective August 13, 1947

Chapter 161

AN ACT to Establish the Old Orchard Beach Sewage District.

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

Sec. 1. Territorial limits; corporate name and purposes. The territory of the town of Old Orchard Beach in the county of York, and the inhabitants within the same and the area comprising the ocean bed of Saco Bay adjoining said Old Orchard Beach, extending 3,500 feet below and beyond high-water mark, in order to accomplish the purposes of this act, shall be and hereby are constituted a body politic and corporate under the name of the Old Orchard Beach Sewage District, hereinafter called the district, for the purpose of providing and maintaining within the district a sewer system, drains and sewerage disposal plants, when, as and if such sewer system, drains and sewerage disposal plans become necessary, for public purposes and for the health, comfort and convenience of the inhabitants of said district, and for insuring the purity of the bathing waters of Saco Bay, adjacent to said Old Orchard Beach, and said district is hereby invested with all the powers, rights, privileges and immunities incident to similar corporations, or necessary for the accomplishment of these purposes.

Sec. 2. Powers. The district is hereby authorized for the purposes aforesaid to take over and hold the sewers and other assets of the existing sewerage system of the town of Old Orchard Beach, and to acquire and hold by purchase, lease, the exercise of the right of eminent domain, or otherwise, land, real estate, rights, easements or interests therein, located within the district or elsewhere, and personal property. It also is empowered through its trustees to make contracts with persons or corporations for the collection, discharge and disposal of sewerage and other waste matter.

Sec. 3. Assumption of liabilities. Said district shall assume and pay any and all indebtedness or liability existing on the part of said town of Old

Orchard Beach for sewerage construction, repairs and maintenance as of the date when said district shall become active and assume control of the sewer system of said town; and more particularly, but without limitation, said district is to assume the \$20,000 bond issue of said town now outstanding, plus any additional bond issues, or liabilities, incurred for sewer construction during the municipal year 1947 and as now contemplated.

Sec. 4. Power to lay and maintain sewers. The district is hereby authorized to lay in and through streets and highways, under any water course, way, or public and private railroad, in the manner prescribed by law, within and outside the district, and to remove and replace such pipes, aqueducts and fixtures as may be necessary for the objects above set forth, and whenever the district shall lay, remove, or replace any pipes, aqueducts or fixtures in any street or highway, it shall cause the work to be done with as little obstruction as possible to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement to be replaced in proper condition.

In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner, and conditions of the crossing within 30 days after such consent is requested by such district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

Sec. 5. Officers. The affairs of the district shall be managed by a board of trustees composed of 5 members, who shall be residents therein, and who shall be elected at the annual election. The first board shall be selected by the municipal officers, one shall be chosen for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years; and thereafter 1 trustee shall be elected each year at the annual election to serve for the term of 5 years. As soon as convenient, after the members of the board have been chosen, they shall hold a meeting to elect a chairman and other needed officers and agents for the purpose, conduct and management of its affairs. In case a vacancy occurs the remaining trustees may choose another member to serve until the next annual election, at which time election of a trustee for the unexpired term shall also be had. The compensation of each trustee shall be \$100 per year. The trustees may make reasonable rules, regulations and by-laws.

Trustee serving as treasurer shall furnish bond in such sum and with such sureties as they may approve.

Sec. 6. Bonds and notes. For accomplishing the purposes of this act, the district is hereby authorized and empowered through its trustees, to issue notes, bonds, and other evidence of indebtedness to an amount sufficient

to procure funds not exceeding \$300,000 to pay the expenses incurred in acquiring and constructing its plant or plants, properties and franchises for further extension, additions or improvements of the same, whether done at one time or from time to time, and to refund same as they fall due. Said notes, bonds, and other evidences of indebtedness shall be a legal obligation of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section and acts amendatory thereof shall be applicable thereto. Said bonds shall be a legal investment for savings banks. The trustees may also borrow on the notes of the district such sums as may be necessary to meet the current expenses of the district in anticipation of the collection of rates.

Sec. 7. Rates; application of revenue. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates established by the trustees for the services used or made available to them. The rates may include rates for the district's readiness to serve charged against owners, or persons in possession, or against whom the 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 thereunto. Rates shall be uniform within the district, and the rates, rules and regulations of the district shall be subject to the approval of the public utilities commission. The rates shall be so established as to provide revenue for the following purposes:

- I. To pay the current running expenses for operating and maintaining the sewerage system, including provision for depreciation.
- II. To provide for the payment of interest on the indebtedness created by the district.
- III. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness of the district, which sum shall be turned into a sinking fund for the final extinguishment of the debt. The money so set aside shall be devoted to the retirement of the obligations of the district, or invested in securities lawful for savings banks. Provided, however, that the trustees may, in their discretion, and in lieu of the establishment of a sinking fund, issue bonds of the district, so that not less than 1% of the bonds issued shall mature and be retired annually.
- IV. If any surplus remains after the year's operation, this surplus may be added to the sinking fund.

Sec. 8. Rights of abutters to enter sewer. The district at all times shall be bound to permit the owners of premises abutting upon its lines of pipes and conduits to enter the same with all proper sewerage upon conformity to the rules and regulations of the district and payment of the rates, prices and rentals established therefor. The owner, or persons in possession, or against whom taxes are assessed of all buildings or premises intended for human habitation or occupancy, or use, abutting on a street in which there is a public sewer or if the property line of the premises containing said building is within 100 feet of a public sewer, shall connect with said sewer in the most direct manner possible within 90 days of receiving notice thereof from the sewerage district.

Sec. 9. Lien for payment of rates. There shall be a lien to secure the payment of sewer rates legally assessed on real estate within the town of Old Orchard Beach 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 sewerage 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 said 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 sewerage district a true copy of said certificate

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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 \$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 said real estate to the said sewerage 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 sewerage district all the rights usually incident to a mortgagee, 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 sewerage district shall discharge said mortgage in the same manner as is now provided for discharge of real estate mortgages.

Sec. 10. Tax exemption. The property of the district shall be exempt from taxation.

Sec. 11. Local referendum; effective date. 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 territory embraced within the limits of said district, present and voting at a special meeting called and held for the purpose or at an annual town meeting of the town of Old Orchard Beach. Such special meeting or annual town meeting shall be held not later than April 1, 1948. In the event a special meeting is called for the purpose, it 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 Old Orchard Beach shall not be required to prepare for posting, or 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 next preceding such special meeting, the 1st and 2nd days thereof to be devoted to registration of voters, and the last day to enable the board to verify the correctness of said lists and to complete and close up their records

of said sessions. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Establish the Old Orchard Beach Sewage District be accepted?" and the voters shall indicate by a cross placed against the words "Yes" or "No" their opinion of the same. 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 if and only if the total number of votes cast for and against the acceptance of this act in said meeting equals or exceeds 20% of the total vote for all candidates for governor cast in said town at the previous gubernatorial election. The result of the vote shall be declared by the municipal officers of the town of Old Orchard Beach and due certificate filed by the town clerk with the secretary of state.

Effective August 13, 1947

Chapter 162

AN ACT Increasing the Salaries of the Judge and Recorder of the Saco Municipal Court.

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

Sec. 1. P. & S. L., 1887, c. 246, § 1, amended. Section 1 of chapter 246 of the private and special laws of 1887 is hereby amended to read as follows:

'Sec. 1. Salary of judge. ~~From and after the first day of April, eighteen hundred and eighty seven, the~~ The judge of the municipal court of the city of Saco shall receive an annual salary of ~~one thousand dollars~~ \$1,250, payable quarterly, out of the county treasury, on the first days of July, October, January and April, which shall be in full for all his services ~~and the services of his recorder. And in~~ In case of his death, resignation or removal from office, his recorder shall act and be paid the salary until his successor is appointed and qualified, and be subject to all the provisions of this act.'

Sec. 2. P. & S. L., 1899, c. 119, § 2, amended. Section 2 of chapter 119 of the private and special laws of 1899, as amended by chapter 124 of the private and special laws of 1921, is hereby further amended to read as follows:

'Sec. 2. Salary of recorder. For all services rendered, except when there is a vacancy in the office of judge, the recorder shall be paid from the county treasury, the sum of ~~two hundred dollars~~ \$400, annually, payable on the first days of January, April, July and October, which shall be in full for all services rendered as such recorder.'

Effective August 13, 1947