

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

STATE OF MAINE

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STATE OF MAINE

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same is assessed and an allegation that a lien is claimed on said real estate to secure the payment of said rate, toll, rent or charge, that a demand for payment of the same has been made in accordance with the provisions of this act and that the rate, toll, rent or charge remains unpaid. At the time of the recording of the lien certificate in the registry of deeds as herein provided, the treasurer shall file in the office of the district a true copy of the lien certificate and also mail by registered or certified mail to each record holder of a mortgage on said real estate, addressed to him at his last known address, a true copy of the lien certificate. The fee to be charged for such notice shall be \$2 and the fee of the registry of deeds for each filing shall be \$1, which fees shall become an expense of the person owing said rate, toll, rent or charge. The filing of the aforesaid lien certificate in the registry of deeds as aforesaid shall be deemed to create a mortgage on the real estate to the district, having priority over all other mortgages, liens, attachments and incumbrances of any nature, except claims for taxes, and shall give to the district all of the rights usually incident to a mortgage, except that the district shall not have any right of possession of the real estate until the right of redemption herein provided for shall have expired. The filing of the lien certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage as herein provided. In the event that the rate, toll, rent or charge with 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 the discharge of real estate mortgages. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of the lien 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. After the expiration of the 18-month period for redemption hereinabove provided, the mortgagee of record of said real estate or his assignee shall, in the event the notice provided for said mortgagee has not been given, have the right to redeem the said real estate within 3 months after receiving actual knowledge of the recording of the lien certificate, by payment or tender of the amount of the mortgage, together with interest and costs, and the mortgage shall then be discharged by the district.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective February 23, 1957

Chapter 8

AN ACT Amending the Charter of the Kennebunk Sewer District.

Emergency preamble. Whereas, the existing sewage and drainage system of the Town of Kennebunk which is included in the Kennebunk Sewer District is inadequate for the needs of the inhabitants thereof; and

Whereas, such inadequacy is injurious to the health and safety of such inhabitants; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve such conditions; and

Whereas, by Chapter 69 of the Private and Special Laws of 1955, the 97th Legislature incorporated the Kennebunk Sewer District for the purpose of remedying such conditions; and

Whereas, the following amendments to the Charter granted to said Kennebunk Sewer District by the 97th Legislature are immediately necessary to enable the District to take steps to remedy such conditions; and

Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless passed as an emergency measure; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1955, c. 69, § 16, repealed and replaced. Section 16 of chapter 69 of the private and special laws of 1955 is hereby repealed and the following enacted in place thereof:

‘Sec. 16. Authorized to issue bonds and notes; to borrow money. For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said district, by resolution of its board of trustees, is authorized and empowered to borrow money temporarily and to issue therefor its negotiable notes. Said district may also borrow money for the purpose of renewing or refunding the indebtedness so created and, without limitation, for the purpose of paying any necessary expenses and liabilities incurred under the provisions of this act, including organizational and other necessary expenses and liabilities; for the purpose of acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, extensions, additions and improvements to the same and to cover interest payments on any debt incurred to construct a sewerage plant or system or any extension, addition or improvement thereof during the period of such construction. Said district, by resolution of its board of trustees, is for said purposes or any of them also authorized to issue, from time to time, notes, bonds or other evidence of indebtedness of the district, maturing serially or otherwise, in an amount or amounts, at such rates of interest, and on such terms and conditions as the board of trustees shall determine; provided, however, that the total indebtedness of said district at any one time outstanding shall not exceed the sum of \$1,000,000; and provided further, that indebtedness of the district shall not be deemed to be outstanding if funds adequate for the payment thereof together with any interest due thereon and premium payable on account thereof, shall have been deposited with the paying agent named in the notes or bonds evidencing such indebtedness in trust for the purpose of making such payment. Said notes and bonds shall be a legal obligation of said district which 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 provisions of said section are applicable thereto. Said bonds and notes shall be a legal investment for savings banks in the state of Maine and shall be exempt from taxation in said state. Each bond or note shall have inscribed on its face the words “Kennebunk Sewer District,” shall bear the district seal, shall be signed by the treasurer and countersigned by the chairman of its board of trustees and any interest coupons attached thereto shall bear the facsimile signature of its treasurer. All bonds issued by said district may be issued with or without provisions for calling the same for payment prior to maturity, and in case of such call provisions, the premium, if there be one, may vary with the maturities in any issue or with the time when such call is made, but may not exceed 5% of the principal upon any such call. Said district may refund, from

time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness and each authorized issue shall constitute a separate loan.'

Sec. 2. P. & S. L., 1955, c. 69, § 16-A, additional. Chapter 69 of the private and special laws of 1955 is hereby amended by adding thereto a new section, to be numbered 16-A, to read as follows:

'Sec. 16-A. Sinking fund provided for; issue of refunding bonds authorized. In case any of said bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds or notes when they become due and a sum equal to not less than 1% of the aggregate principal of the outstanding bonds or notes issued on account of or in behalf of said district, as aforesaid, shall be turned into said sinking fund each year to provide for the final extinguishment of said district funded debt. In case serial bonds are issued, they shall be made to mature in annual installments which for each issue shall not be less than 1% of the aggregate principal amount of the bonds or notes of that issue. The first annual installment of principal of any issue of serial bonds shall mature not later than 2 years from the date of the issue thereof and the last installment of such issue shall mature not later than 30 years therefrom.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of said district become due, or can be purchased by said trustees on favorable terms, said trustees shall, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds, and cancel them. In no case shall bonds so cancelled or redeemed be reissued.

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, 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 trustees.'

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Kennebunk, resident in the district, at the next regular town meeting to be held on the first Monday in March, 1957, or at a special town meeting to be called and held for the purpose within 3 months of the approval of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of said town 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 selectmen shall be in session on the secular day next preceding said special election. The town clerk of said town shall prepare the required ballots, on which he shall reduce the subject-matter of this act to the following question: "Shall the act Amending the Charter of the Kennebunk Sewer District, 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. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for Governor cast in said district at the next previous gubernatorial election.

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

Effective February 23, 1957

Chapter 9

AN ACT Relating to Special Town Meetings in Town of Vassalboro.

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

Special town meetings. No action of a special town meeting of the town of Vassalboro, Kennebec County, shall be valid unless the number of registered voters present at such meeting shall equal at least 10% of the total number of votes cast for Governor in said town of Vassalboro at the next preceding gubernatorial election.

Effective August 28, 1957

Chapter 10

AN ACT Relating to Castle Hill-Chapman-Mapleton Community School District.

Emergency preamble. Whereas, the high school building of the town of Mapleton, heretofore used by the Castle Hill-Chapman-Mapleton Community School District, has been destroyed by fire, and as a result thereof said district is without adequate school facilities; and

Whereas, said district has not sufficient authority to finance a new building; and

Whereas, the district has no other means of providing adequate school facilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1947, c. 110, § 1, amended. Section 1 of chapter 110 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 1. Territorial limits; name; purpose. The territory comprising the towns of Castle Hill, Chapman and Mapleton and the people therein shall constitute a body politic and corporate under the name of "Castle Hill-Chapman-Mapleton Community School District" for the purpose of acquiring land within the said ~~towns~~ district for school and other educational purposes; for the purpose of erecting, enlarging, repairing, equipping, and maintaining on said prop-