

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION
July 11, 1991 to July 18, 1991

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NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, due to water contamination, some inhabitants of the Town of South Berwick do not have a supply of pure water; and

Whereas, it is necessary to revise the charter of the South Berwick Water District to enable the water district to distribute water to all the inhabitants of the Town of South Berwick; 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 P&SL 1959, c. 61, §1, 2nd ¶, as amended by P&SL 1981, c. 12, §2, is repealed and the following enacted in its place:

The area comprising the South Berwick Water District is the same as the area comprising the Town of South Berwick together with an area of the Town of Berwick described as follows:

Sec. 2. P&SL 1959, c. 61, §1, 3rd ¶, as repealed and replaced by P&SL 1981, c. 12, §3, is amended to read:

~~Beginning at the junction of the South Berwick and Berwick town line with the Salmon Falls River; thence in a southerly direction by the Salmon Falls River to the junction of the Great Works River; thence in a southeasterly direction by the Great Works River to the Great Works Bridge, so-called, at Brattle Street; thence running in a general northeasterly and northerly direction by and along the Great Works River to the intersection of the Great Works River and the Agamenticus Road, so-called; thence turning and running by and along the Agamenticus Road in a general westerly and southerly direction to the marker which is 3,775 feet easterly from the junction of Portland Street and Agamenticus Road; thence northwesterly to the junction of Portland Street, called Route #4 and the Berwick - South Berwick town line; thence in a due northerly direction a distance of 3,500 feet; thence in a due westerly direction a distance of 2,800 feet; thence in a due southerly direction a distance of 4,000 feet, more or less, to the Berwick - South Berwick town line; thence in a westerly direction to the point of beginning.~~

Sec. 3. P&SL 1981, c. 12, §3, first 2 lines are repealed and the following enacted in their place:

Sec. 3. P&SL 1959, c. 61, §1, 3rd ¶ is repealed and the following enacted in its place:

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 1991.

CHAPTER 20

H.P. 1028 - L.D. 1501

An Act to Amend the Charter of the Presque Isle Sewer District

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

P&SL 1925, c. 80, §10, as amended by P&SL 1937, c. 80, §13, is repealed and the following enacted in its place:

Sec. 10. Rates payable; adoption of new rates; application of revenue; sinking fund; collection of unpaid rates. All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates established by the board of trustees for services rendered. The rates for services must be uniform within the district.

Prior to the adoption of a new rate schedule, the trustees shall hold a public hearing regarding the proposed rate schedule. The trustees shall publish the proposed rates and notice of the hearing not less than once in a newspaper having a general circulation in the district not less than 7 days prior to the hearing. The district shall mail each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

The rates are established to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the district including depreciation;

2. To provide for payment of interest on the indebtedness created by the district; and

3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district. The sum is turned into a sinking fund to provide for the final extinguishment of the debt. The money set aside must 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 amount of the bonds issued mature and retire annually.

A lien on real estate served or benefited by the sewers of the district is claimed to secure the payment of rates established and due under this section. The lien takes precedence over all other claims on the real estate, except claims for taxes.

The treasurer of the district has full and complete authority and power to collect the rates, tolls, rents and other charges established under this section. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. 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, a lien may be enforced in the following manner. The treasurer may, after the expiration of 3 months and within one year after the date when the rate, toll, rent or other charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice together with the fee for certified mail, return receipt requested. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of a period of 30 days, but within one year after the expiration, the treasurer shall record in the registry of deeds of the county in which the property of the owner is located a certificate signed by the treasurer stating the amount of the 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 the rate, toll, rent or other charge and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rate, toll, rent or other charge remains unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the district a copy of the certificate and mail a copy of the certificate by certified mail, return receipt requested, to each mortgagee of the real estate, addressed to the mortgagee's last known address.

The filing of the certificate in the registry of deeds is deemed to create a mortgage on the real estate described in the certificate to the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee may not have any right to possession of the real estate until the right

of redemption expires. If the mortgage, together with interest, which may not exceed the highest lawful rate set by the Treasurer of State for municipal taxes, and costs has not been paid within 18 months after the date of filing of the certificate in the registry of deeds, the mortgage is deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage. If the rate, toll, rent or other charge, with interest and costs, is paid within the period of redemption provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of the real estate mortgages.

The owner of the real estate served is responsible for payment of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, subsection 12, plus \$13, plus all fees for certified mail, return receipt requested.

The district shall pay the treasurer \$1 for the notice, \$1 for filing the lien certificate and the amount paid for all fees for certified mail, return receipt requested. The fees for recording the lien certificate are paid by the district to the register of deeds.

See title page for effective date.

CHAPTER 21

H.P. 933 - L.D. 1353

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1991-92

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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:

Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1991-92 is as follows.