

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

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PRIVATE AND SPECIAL LAWS

OF THE

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first above named; thence northwesterly 1,000 feet to the boundary first above named, or to such distance as the city of Saco may have owned or controlled prior to February ~~twentieth, eighteen hundred and eighty-three~~ 20, 1883; with all the sea shore and flats and all other interests in said land lying between the medial line of said Goose Fair Brook extended and said easterly corner of the city of Saco is hereby incorporated into a separate town by the name of Old Orchard and the inhabitants thereof are hereby invested with all the powers and privileges and are made subject to all the duties and liabilities incident to other towns within this state. Provided the town of Old Orchard pay to the city of Saco, as damages, such an amount as a committee, composed of the ~~chairmen chairs~~ of the boards of assessors of said Saco and of said Old Orchard and one other disinterested person by them selected, may determine is just and equitable.

See title page for effective date.

CHAPTER 34

H.P. 1225 - L.D. 1783

An Act to Amend the Waldoboro Sewer District Charter

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

Sec. 1. P&SL 1963, c. 146, §§1, 2 and 7 are amended to read:

Sec. 1. Incorporation. The territory, and the inhabitants ~~therein~~, of the Town of Waldoboro in the County of Lincoln, shall constitute ~~a public sewerage district and~~ a body politic and corporate under the name of "Waldoboro Sewer Utility District." The purpose of said district, subject to the provisions of section 10 hereof, shall be to take over, control, operate and manage the sewers now owned by the Town of Waldoboro with all appurtenances ~~thereto to the sewers~~; to extend, increase, enlarge and improve said sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the town not now served with such facilities; to provide for removal and treatment of sewage when, as and if such treatment become necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

Sec. 2. Authority to construct and maintain. Within said territory and the territory of any adjoining municipality said Waldoboro Sewer Utility District is hereby authorized to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same or to contract for the same to be done, in, along and through any public or private ways and public grounds,

and in, along and through lands of any person or corporation as hereafter provided in this charter, to and into tidal waters, rivers, watercourses or treatment works or to or into any drain or sewer now or hereafter built which empties into tidal waters, rivers, watercourses or treatment works, the discharge ~~therefrom from the drain or sewer~~ to be at such points consistent with the requirements of public health as shall be found to be convenient and reasonable for said district and the flow of existing watercourses; to construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage matter and industrial waste and, subject to the provisions of section 10 hereof, of surface and waste water, all as may be necessary or proper; and in general, do any or all other things necessary or incidental to accomplish the purposes of this act.

Sec. 7. Rights of abutters or others to enter. Any person may enter ~~his~~ that person's private sewer into any sewer of the district while the same is under construction and before completion of said sewer at the point of entry, and before an entrance charge is established, on obtaining a permit in writing from the trustees; but after the sewer is completed to the point of entry and an entrance charge established on that location, ~~no a person shall may not~~ enter his that person's private sewer into such sewer until ~~he~~ that person has paid the entrance charge and obtained a permit in writing from the trustees ~~as aforesaid~~. All such permits shall be recorded by the clerk of the district in its records before the same are issued.

Sec. 2. P&SL 1963, c. 146, §14, as amended by P&SL 1989, c. 2, §1, is further amended to read:

Sec. 14. Trustees and officers; tenure of office; election to office; organization; vacancies; compensation. All of the affairs of said district shall be ~~are~~ managed by a board of 3 trustees, ~~residents therein~~, who ~~shall be~~ must be residents of the Town of Waldoboro and who are chosen as hereinafter provided in this section.

As soon as ~~may be convenient~~ after acceptance of this act, the municipal officers of the Town of Waldoboro shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual meeting of said town following the acceptance of this act; one to serve until the 2nd annual meeting of said town following said acceptance; and one to serve until the 3rd annual meeting of said town following such acceptance. At each annual meeting of said town, beginning with the first annual meeting after acceptance of this act, one trustee ~~shall be~~ is elected by ballot as hereafter provided in this section to serve until the annual meeting of said town occurring 3 years ~~thereafter~~ after the election of the trustee and until ~~his~~ the trustee's successor is elected and qualified. When any trustee ceases to be a resident of said district, ~~he~~ the trustee vacates ~~his~~ the trustee's

office as trustee. All trustees, if residents of said district, ~~shall be~~ are eligible for reelection or reappointment as ~~hereafter~~ provided in this section.

The nomination of all candidates for trustee to be elected as provided by this act ~~shall~~ must be by nomination papers signed in the aggregate for each candidate by not less than 25 nor more than 50 qualified voters resident in said district. Nomination papers ~~shall~~ must be made available by the municipal clerk to prospective candidates during the 40 days prior to the final date of filing and, before issuance, the town clerk may complete each sheet by filling in the name of the candidate, the title and term of office which is being sought. Each voter who signs a nomination paper shall add the candidate's place of residence with the street and number, if any. The voter may subscribe only to as many nomination papers for each office as there are vacancies to be filled. All nomination papers ~~shall~~ must be filed with the clerk during business hours on or before the 35th day next prior to the day of election. With the nomination papers, there ~~shall~~ must be filed the consent in writing of the persons proposed ~~therein~~ as candidates, agreeing to accept the nomination if nominated, not to withdraw and, if elected at the municipal election, to qualify as the quasi-municipal officer. When filed, the nomination papers ~~shall~~ must be made available by the clerk to public inspection under supervision. The clerk shall keep them in the office for 6 months. In case any candidate who has been duly nominated under the provisions ~~hereof~~ shall die of this section dies before the day of election, or ~~shall withdraw~~ withdraws in writing, or ~~shall remove his place of residence~~ the candidate moves from said district, the vacancy may be supplied in the manner ~~herein~~ provided for such nominations, except that the time limit for filing such nomination papers ~~shall~~ does not apply. The name so supplied for the vacancy ~~shall~~, if the ballots have not been printed, ~~be~~ is placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination ~~shall~~, if practical, ~~be~~ are furnished, or slips containing the new nomination ~~shall be~~ are printed under the direction of the town clerk which ~~shall be~~ are pasted upon said ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and ~~thereafter shall become~~ becomes part of said ballots as if originally printed ~~thereon~~ on the ballot. The ballot in said district ~~shall~~ must contain names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading "For Trustee of the Waldoboro Sewer Utility District²²." Above such heading ~~shall~~ must be printed "Vote for _____ (the number to be elected to be inserted ~~therein~~). Make a cross or a check mark to the right of the name(s) voted for²²." As many blank spaces ~~shall~~ must be left after the names of the candidates as there are trustees to be elected in which the voter may, by writing, insert the name of any person or persons for whom ~~he~~ the voter desires to vote. In preparing ~~his~~ the voter's ballot the voter shall mark a cross (X) or a check mark (✓) against and to the right of such names on said ballot as ~~he~~ the voter desires to vote for, not to exceed the number of trustees so to

be elected in said district. At each annual meeting of said Town of Waldoboro, balloting for trustee of said district ~~shall take~~ takes place concurrently with balloting for the municipal officers of said town, but separate ballots ~~shall be~~ are provided for trustee of the district as ~~hereinbefore~~ provided for in this section. The result of such election ~~shall be~~ is declared by the ~~councilmen~~ municipal officers of said Town of Waldoboro and due certificate ~~thereof of the result~~ filed with the town clerk and the clerk of the district. The district shall reimburse the town for the expense of any district election.

As soon as convenient after the appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member ~~thereof of the board~~ in writing, designating the time and place and delivered in and to the other 2 members not less than 2 full days before the meeting; ~~provided, however, that they may meet by agreeing without such notice if the trustees agree to a time and place for the meeting, a notice is not required.~~ At this original meeting the trustees shall organize by electing from their own members a ~~chairman~~ chair, a treasurer and a clerk and adopting a corporate seal. The trustees may adopt and establish bylaws, consistent with the laws of the State of Maine and necessary for their own convenience and for the proper management of the affairs of the district, and perform any other acts within the powers delegated to them by law.

Within one week after each annual election, the trustees shall meet for the purpose of electing a ~~chairman~~ chair, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees from time to time may choose and employ, and fix the compensation of, any other necessary officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost ~~thereof~~ of the bond to be paid by the district.

Members of the board of trustees ~~shall be~~ are eligible to any office under the board. ~~Each trustee, as such, shall receive in full compensation for his services \$10 each meeting attended, plus travel and expenses, the total not to exceed \$200 per year. The trustees are entitled to receive as compensation for their services an amount to be determined by them not to exceed \$300 each per year, but if they fail to determine a salary they are entitled to receive \$10 each for each meeting of the board that they attend.~~ The treasurer may be allowed such compensation as the trustees shall determine.

The trustees ~~shall be~~ are sworn to the faithful performance of their duties as such, which ~~shall include~~ includes the duties of any member who ~~shall serve~~ serves as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of the town report.

Vacancies in the office of trustee from whatever cause ~~shall be~~ are filled by appointment by the remaining trustees until the next annual election. If at any annual election there ~~shall exist~~ exists a vacancy in an unexpired term, a trustee ~~shall be~~ is elected to fill such vacancy for such unexpired term, and the voters of the district shall cast the ballots as ~~hereinbefore~~ prescribed in this section, voting for as many candidates as there are offices to be filled.

Sec. 3. P&SL 1963, c. 146, §17, as amended by P&SL 1989, c. 2, §2, is further amended to read:

Sec. 17. Authorized to borrow money to issue bonds and notes. For accomplishing the purposes of this Act, the district, by resolutions of its board of trustees, without district vote, is ~~hereby~~ authorized to borrow money temporarily and to issue ~~therefor~~ for the money its negotiable notes, and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities incurred by the district or the Town of Waldoboro, the district being authorized to reimburse the Town of Waldoboro for any such expense incurred or paid by it, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, the Waldoboro ~~Sewer~~ Utility District, by resolutions of its board of trustees, without district vote, is also ~~hereby~~ authorized to issue, from time to time, bonds, notes or other evidence of indebtedness of the district in one series or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; ~~provided, however, that~~ but the total indebtedness of the district at any one time outstanding ~~shall~~ does not exceed the sum of ~~\$1,000,000~~ \$3,000,000 and that any single expenditure which exceeds ~~\$100,000~~ \$200,000 must be approved by district vote. Said bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine, but ~~none of them shall~~ the bonds, notes and evidences of indebtedness may not run for a longer period than 40 years from the date of original issue ~~thereof~~ of the bonds, notes and evidences of indebtedness. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness ~~shall~~ must have inscribed upon their face the words "Waldoboro ~~Sewer~~ Utility District", ~~shall be~~ are signed by the treasurer and countersigned by the ~~chairman~~ chair of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached ~~thereto shall~~ to the coupon bonds must bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of

indebtedness so issued by the district ~~shall be~~ are legal obligations of the district, which is ~~hereby declared to be~~ a quasi-municipal corporation ~~within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, as enacted by the public laws of 1957, chapter 405, section 1, as amended, as defined in the Maine Revised Statutes, Title 30-A, section 2351~~ and all provisions of said section ~~shall be~~ are applicable ~~thereto~~. The said district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue ~~shall constitute~~ constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by said district ~~shall be~~ are legal investments for savings banks in the State of ~~Maine~~ and ~~shall be~~ are tax exempt. The said district is ~~hereby~~ authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce this act.

Sec. 4. P&SL 1963, c. 146, §§19 and 21 are amended to read:

Sec. 19. Assessment against lot benefited. When the district has constructed and completed a common sewer, the trustees may, if they so determine, in order to defray a portion of the expense ~~thereof~~ of the sewer, determine what lots or parcels of land are benefited by such sewer, and estimate and assess upon such lots and parcels of land, and against the owner ~~thereof~~ of the lots and parcels of land, or person in possession or against whom taxes ~~thereon~~ are assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent and whether the same is occupied or not, such sum not exceeding such benefit as they may ~~deem~~ determine just and equitable towards defraying the expenses of constructing and completing such sewer, together with such sewage disposal units and appurtenances as may be necessary, the whole of such assessments not to exceed 1/2 of the cost of such sewer and sewage disposal units. The trustees shall file with the clerk of the district the location of such sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel, and the name of the owner of such lots or parcels of land or person against whom said assessment shall be made, and the clerk of such district shall record the same in a book kept for that purpose, and within 10 days after such filing, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order or notice signed by the clerk of said district, stating the time and place for a hearing upon the subject matter of said assessments,

given to each person so assessed or left at ~~his~~ the person's usual place of abode in said district; if ~~he~~ the person has no place of abode in said district, then by posting said notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before said hearing, or such notice may be given by publishing the same once a week, for 3 successive weeks in any newspaper of general circulation in said district, the first publication to be at least 30 days before said hearing. A return made upon a copy of such notice by any constable in said Town of Waldoboro or the production of the paper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the trustees shall have power to revise, increase or diminish any of such assessments, and all such revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

Sec. 21. Assessments; liens; sheriff's sale.

All assessments made under section 19 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment and shall continue for one year ~~thereafter~~ after filing of the assessment; and within 10 days after the date of hearing on said assessment the clerk of the district shall make out a list of all such assessments, the amount of each, and the name of the person against whom the same is assessed, and ~~he~~ the clerk shall certify the list and deliver it to the treasurer of said district. If said assessments are not paid within 3 months from the date ~~thereof~~ of delivery of the list the treasurer may bring an action of debt for the collection of said assessment in the name of the district against the person against whom, said assessment is made. Such action shall be begun by writ of attachment commanding the officer serving it to specially attach the real estate upon which the lien is claimed, which shall be served as other writs of attachment to enforce liens on real estate. The declaration in such action shall contain a statement of such assessment, a description of the real estate against which the assessment is made, and an allegation that a lien is claimed on said real estate to secure the payment of the assessment. If no service is made upon the defendant or it shall appear that any other persons are interested in such real estate, the court shall order such further notice of such action as appears proper, and shall allow such other persons to become ~~parties thereto~~ parties to the action. If it shall appear upon trial of such action that such assessment was legally made against said real estate, and is unpaid, and that there is an existing lien on said real estate for the payment of such assessment, judgment shall be rendered for such assessment, interest, and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution issued ~~thereon~~ to be enforced by sale of such real estate in the manner provided for a sale on execution of real estate attached on original writs; provided, that in making said sale, the officer shall follow the procedure in selling and conveying and there shall be the same rights of redemption as

~~are provided in the Maine Revised Statutes of 1954, chapter 91-A, section 87, as enacted by the public laws of 1955, chapter 399, section 1, Title 36, chapter 105.~~

Sec. 5. P&SL 1963, c. 146, §24, as amended by P&SL 1981, c. 44, §§2 and 3, is further amended to read:

Sec. 24. Lien for payment of rates. There shall be a lien on real estate served or benefited by the sewers of the district to secure the payment of rates established and due under section 18 which shall take precedence of all other claims on such real estate, excepting only claims for taxes. Real estate for the purposes of this act shall have the same definition as ~~given in the Revised Statutes of 1954, chapter 91-A, section 4, as enacted by section 1 of chapter 399 of the public laws of 1955 and as amended~~ Maine Revised Statutes, Title 36, section 551.

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 18 and the same shall be committed to ~~him~~ the treasurer. The treasurer may, after demand for payment, sue in the name of the district in an action of assumpsit 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 ~~as aforesaid~~, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to ~~him~~ the treasurer for collection may, after the expiration of 3 months and within one year after date when the same became due and payable, in the case of a person resident in the district give, or cause to be given to such person, or leave or cause to be left, at ~~his~~ the resident's last and usual place of abode, or give by registered or certified mail addressed to ~~his~~ the resident's last known address, a notice in writing signed by the treasurer stating the amount of such rate, toll, rent or other charge, describing 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, toll, rent or other charge and demanding within 30 days after the service of such notice payment ~~as aforesaid~~ be made. In the case of a nonresident of the district, the ~~aforesaid~~ notice shall be given by registered mail addressed to ~~his~~ the nonresident's 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~~ of the notice or the first publication of notice ~~thereof~~ as aforesaid. After the expiration of said period of 30 days and within one year ~~thereafter~~ after the date the charge became due and payable, the treasurer may record in the registry of deeds of Lincoln County, a certificate signed by the treasurer setting forth the amount of such 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 said rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with the provisions of this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of 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 said real estate, addressed to such record holder at ~~his~~ the record holder's last and usual place of abode. The fee to be charged by the district to the ratepayer for the notice and filing and for discharge of paid liens shall not exceed the cost to the district of those actions.

The filing of the ~~aforsaid~~ certificate in the registry of deeds ~~as aforsaid shall be deemed to create, and shall create,~~ creates a mortgage on the real estate therein described in the certificate 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~~ gives to the district all the rights usually possessed by mortgages, except that the district as mortgagee ~~shall does~~ does not have any right to possession of said real estate until the right of redemption ~~hereinafter provided for shall have~~ has expired. If the mortgage, together with interest and costs, ~~shall has~~ has 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~~ is foreclosed and the right of redemption ~~to have~~ expired. The filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence of the mortgage ~~hereby provided for~~. In the event that said rate, toll, rent or other charge, with interest and costs, ~~as aforsaid, shall be~~ is paid within the period of redemption ~~herein provided for~~, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.

Sec. 6. P&SL 1963, c. 146, §28 is enacted to read:

Sec. 28. Authorized to acquire property and franchises of Waldoboro Water Company. The district, through its trustees, may acquire by purchase the entire plant, properties, franchises, rights and privileges owned by the Waldoboro Water Company, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district.

Sec. 7. Referendum; effective date. Sections 3 and 6 of this Act shall be submitted to the legal voters of the Waldoboro Utility District at an election to be called and held for the purpose by December 31, 1991. The election must be called by the municipal officers and must be held at the regular voting places. The elec-

tion must be called, advertised and conducted according to the law relating to the municipal elections; except that the board of registration is not required to prepare nor the town clerks to post a new list of voters, and for this purpose the board of registration must be in session on the 3 working days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of sections 3 and 6 of this Act to the following questions:

Question A: "Shall the debt limit of the Waldoboro Utility District be increased to \$3,000,000 and a district vote required for any single expenditure in excess of \$200,000?"

Question B: "Shall the Waldoboro Utility District purchase the assets of the Waldoboro Water Company?"

Section 3 of this Act shall take effect for all purposes immediately upon acceptance of Question A by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections. Section 6 of this Act shall take effect for all purposes immediately upon acceptance of Question B by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections.

The results of the elections must be declared by the municipal officers of the town and due certificates of the elections must be filed by the town clerk with the Secretary of State.

See title page for effective date, unless otherwise indicated.

CHAPTER 35

H.P. 1270 - L.D. 1841

An Act to Amend the Charter of the Farmington Village Corporation

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

Whereas, pursuant to Private and Special Law 1911, chapter 142, as amended, the Farmington Village Corporation presently owns, operates and maintains a water works system that provides the water supply, including public drinking water, to the Town of Farmington; and