

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Forest Fire Protection	150,000
Human Services - General Assistance	76,610
Property Tax Assessment - Operations	564,874
Maine Land Use Regulation Commission - Operations	189,844
TOTAL STATE AGENCIES	\$11,724,075
County Reimbursements for Services:	
Aroostook	\$592,930
Franklin	683,330
Hancock	64,888
Kennebec	7,035
Oxford	322,768
Penobscot	711,564
Piscataquis	498,654
Somerset	691,182
Washington	336,580
TOTAL COUNTY SERVICES	\$3,908,931
TOTAL REQUIREMENTS	\$15,633,006
COMPUTATION OF ASSESSMENT	
Requirements	\$15,633,006
Less Deductions:	
General -	
State Revenue Sharing	\$210,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
Transfer from Undesignated Fund Balance	830,940
TOTAL	\$1,190,940
Educational -	
Lands Reserve Trust	\$110,000
Tuition - Travel	220,000
Miscellaneous	1,500
Special - Retirement	190,000
TOTAL	\$521,500
TOTAL DEDUCTIONS	(\$1,712,440)
TAX ASSESSMENT	\$13,920,566

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

Effective May 9, 2001.

CHAPTER 19

S.P. 252 - L.D. 884

An Act to Revise the Charter of the Ogunquit Sewer District

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

Sec. 1. P&SL 1913, c. 203, §2, as amended by P&SL 1973, c. 63, is repealed.

Sec. 2. P&SL 1963, c. 87, §1 is amended to read:

Sec. 1. Territorial limits; incorporation. ~~The inhabitants and territory of the within the Town of Ogunquit Village Corporation, in the Town of Wells and County of York, as presently constituted, and the inhabitants therein, shall~~ County constitute a public sewerage district and a body politic and corporate under the name of "Ogunquit Sewer District." The purpose of ~~said the~~ district, subject to the provisions of section 10 hereof, ~~shall be is~~ to take over, control, operate and manage the sanitary sewer system ~~now previously~~ owned by the ~~Town of Ogunquit Village Corporation~~ and as further improved and expanded by the Ogunquit Sewer District with all appurtenances thereto; to extend, increase, enlarge and improve ~~said the~~ sewer system; to extend the present system or systems so as to furnish sewerage facilities to those parts of the district and, as determined appropriate by the trustees of the district, to parts of adjoining municipalities not now served with such facilities; to provide for removal and treatment of sewage when, as and if such treatment becomes 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. 3. P&SL 1963, c. 87, §2, as amended by P&SL 1975, c. 81, §1, is further amended to read:

Sec. 2. Authority to construct and maintain. Within ~~said the~~ territory and the territory of any adjoining municipality, ~~said the~~ Ogunquit Sewer District is 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 act, to and into tidal waters, rivers, watercourses or treatment works or to or into any drain or sewer now or hereafter built which that empties into tidal waters, rivers, watercourses or treatment works, the discharge therefrom from the tidal waters, river, watercourses or treatment works to be at such points consistent with the requirements of public health as shall be that are found convenient and reasonable for said the 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 section 10, 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.

Notwithstanding the aforementioned authority mentioned in this section, the board of trustees shall hold a public hearing at least 7 days prior to an anticipated vote of said the board upon any proposal for the construction of lateral lines in or for any plan extension of the district. Such The public hearing shall must be held after providing a minimum 7 days' notice of such the hearing by publication and shall must be held for the purpose of enabling the trustees to learn of the approval, disapproval or suggested changes of the voters of the district to such the proposals.

Sec. 4. P&SL 1963, c. 87, §§3 and 4 are amended to read:

Sec. 3. Authority to acquire and hold property; right of eminent domain conferred. Upon acceptance of this act as hereinafter provided, and subject to section 10, title to all public sewers in the Town of Ogunquit Village Corporation other than sewers used exclusively for storm or surface water drainage shall forthwith remain with and pass to and be are vested in said the district, and said the district thereafter shall maintain and operate the same. Upon such approval, there shall also pass to the district title to all plans, maps, specifications and data relating to said the existing public sewers and, subject to any obligation of the Town of Ogunquit Village Corporation to the United States of America or any agency thereof of the United States of America, related thereto, all plans, maps, specifications and data relative to any proposed improvement or expansion of the sanitary sewer system of the Town of Ogunquit Village Corporation remain with and pass to the district. The said district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this act, and is expressly granted the right of eminent domain, and for the purposes of this act, is authorized to take and hold, either by exercising its right of eminent

domain, or by purchase, lease or otherwise, as for public uses any land, real estate, easements or interests therein in that land, real estate or easements, and any sewers, drains or conduits and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, reservoirs, flush tanks, manholes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage matter and industrial waste and surface and waste waters. Nothing herein contained should in this section may be construed as authorizing said the district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or required for future use by the owner thereof of that public service corporation or district in the performance of a public duty, unless expressly authorized by subsequent act of the Legislature.

Sec. 4. Procedures under eminent domain, condemnation, damages and appeals. In exercising from time to time the right of eminent domain conferred upon it, said the district, by its board of trustees, shall file in the office of the county commissioners of York County and cause to be recorded in the registry of deeds in said county plans of the location of all lands, real estate, easements or interest therein, and sewers, drains or conduits and any sewer or drainage rights to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all said lands, real estate, easements or interests therein and other property and rights as aforesaid to be taken, but title thereto shall not vest in said district until payment therefor shall proceed in accordance with and is subject to the limitations set forth in the Maine Revised Statutes, Title 38, section 1252, subsection 2.

Sec. 5. P&SL 1963, c. 87, §5 is repealed.

Sec. 6. P&SL 1963, c. 87, §§6, 8, 9, 10 and 13 are amended to read:

Sec. 6. Limitations on crossing a public utility. In case of When crossing of any a public utility, unless consent is given by the company owning

or operating ~~such~~ the public utility as to place, manner and conditions of the crossing within 30 days after ~~such~~ the consent is requested by ~~said~~ the district, the Public Utilities Commission shall determine the place, manner and conditions of ~~such~~ the crossing; and all work on the property of ~~such~~ the public utility ~~shall~~ must be done under the supervision and to the satisfaction of ~~such~~ the public utility, but at the expense of the district. If a sewer line of the district crosses the property or line of a railroad corporation, the procedure is the same as for the crossing of a public utility, except that the Department of Transportation shall determine the place, manner and conditions of the crossing.

Sec. 8. Contracts with municipalities authorized. The ~~said~~ district is authorized to contract with persons, corporations, districts and other municipalities both inside and outside the boundaries of the district, including the Town of Ogunquit Village Corporation, to provide for disposal of sewage and commercial and industrial waste through the district's system and through the system of ~~any such~~ a person, corporation, district or other municipality; and ~~said~~ the Town of Ogunquit Village Corporation is authorized to contract with ~~said~~ the district for the collection, distribution and disposal of sewage, surface water and other waste matter, and for ~~said~~ those purposes, ~~said~~ village corporation the district may use the money referred to in the private and special laws of 1913, section 5, as amended.

Sec. 9. Excavation or repair work, closing of ways. ~~Whenever~~ When ~~said~~ the district ~~shall enter~~ enters, ~~dig up~~ digs up or ~~excavate~~ excavates a public way or other land for the purpose of laying its sewers, drains or pipes, constructing manholes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work ~~shall~~ must be expeditiously done with the least possible interruption, and on completion of the work, the district shall restore ~~said~~ the way or land to the condition it was in prior to such work, or to a condition equally as good.

~~Whenever~~ When the character of the work is such as to endanger travel on ~~any~~ a public way, the overseers of the Town of Ogunquit Village Corporation, and the municipal officers of adjoining municipalities, ~~whenever~~ when the instance may apply, may order a temporary closing of ~~such~~ the way, and of any intersecting way, upon request of ~~said~~ the district, and the way ~~shall~~ must remain closed to public travel until ~~said~~ the overseers or municipal officers, as the case may be, ~~deem it~~ determine that the way is restored to a condition safe for traffic.

Sec. 10. Surface water facilities; joint facilities; separation of same. Any other provision of this act to the contrary notwithstanding, the ~~said~~ district ~~shall be~~ is under no duty or obligation to

construct, maintain, improve, extend or provide drains, pipes, catch basins or any other facilities for storm or surface water drainage, and all drains, pipes, catch basins or other facilities owned by ~~said~~ the Town of Ogunquit Village Corporation and used exclusively for storm or surface water drainage ~~shall~~ remain the property of ~~said~~ corporation the Town of Ogunquit, and no ~~such~~ drain, pipe, catch basin or other facility ~~shall~~ may be transferred to the district to be ~~thereafter~~ maintained and operated by the district without the joint approval of the overseers of ~~said~~ the Town of Ogunquit Village Corporation and the trustees of ~~said~~ the district. Any sewer or drain owned by ~~said~~ the Town of Ogunquit Village Corporation at the time of acceptance of this act and used for both sanitary sewage disposal and storm and surface water drainage ~~shall pass~~ passes to and ~~be~~ is vested in ~~said~~ the district, and ~~said~~ the district ~~shall be~~ is entitled to charge ~~said~~ corporation the Town of Ogunquit for the use of the same for storm or surface water drainage at such rates as the trustees may determine. No additional catch basins or other facilities draining into any such combined sewer or drain ~~shall~~ may be constructed without the approval of ~~said~~ the trustees. If and when the district ~~shall construct~~ constructs and ~~provide~~ provides a sewer or drain ~~which that~~ permits separation of sanitary sewage previously disposed of through any such combined sewer or drain, the ~~said~~ district, by vote of the trustees, shall transfer and convey back to ~~said~~ the Town of Ogunquit Village Corporation the facilities for storm and surface water drainage.

Sec. 13. Sanitary provisions, standards and penalty for violations. The district is authorized to adopt standards as may be required to conform its operations with state and federal environmental statutes and regulations. Any person who ~~shall place~~ places, ~~discharge~~ discharges or ~~leave~~ any leaves an offensive or injurious matter or material on or in the conduits, catch basins or receptacles of ~~said~~ the district contrary to its rules or regulations, or ~~shall~~ willfully ~~injure~~ injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by ~~said~~ the district for the purposes of this act ~~shall be~~ is liable to pay twice the amount of the damages to ~~said~~ the district, to be recovered in ~~any proper~~ a civil action; and such person, on conviction of any of ~~said~~ the acts or willful injury ~~aforsaid~~ described in this section and any person who violates ~~sections~~ section 11 or 12, ~~shall~~ may be punished by a fine of ~~not more than \$200~~ or by imprisonment for ~~not more than one year~~, or by ~~both~~ up to \$1,000 per day.

Sec. 7. P&SL 1963, c. 87, §14, as amended by P&SL 1975, c. 81, §§2 to 5, is further amended to read:

Sec. 14. Trustees and officer; tenure of office; annual meetings; election to office;

organization; vacancies; compensation. All of the affairs of said the district shall be managed by a board of 3 trustees, residents therein of the district, who shall be chosen as hereinafter provided in this section.

As soon as may be after the acceptance of this act, the overseers of the Ogunquit Village Corporation shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual meeting of said district following the acceptance of this act; one to serve until the 2nd annual meeting of said district following such acceptance; and one to serve until the 3rd annual meeting of said district following such acceptance.

The district is managed by a board of trustees, the members of which are elected at an annual election to be held at the same time as and in conjunction with the Town of Ogunquit's annual election. In the event that the Town of Ogunquit does not hold an annual election, the district shall arrange for an annual election to fill the trustee position that ends in that year and to fill any vacancies in the office of trustee. The trustees serve staggered 3-year terms so that, except in the event of vacancies, only one trustee position is the subject of an annual election. The 3-year term of office for each trustee commences on the date of the district's annual meeting following the trustee's election and ends 3 years later on the day immediately preceding the date of the district's annual meeting.

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

The annual meeting of the district shall must be held on the last Monday of June of each year at such an hour and place as may be designated by resolution of the board of trustees as provided in the bylaws. At the annual meeting of the district, the trustees shall elect a chair, a treasurer and a clerk to serve for the ensuing year and until their successors are elected and qualified.

At each annual meeting of said the district, the board of trustees shall present a proposed budget for the next fiscal year of the district to solicit the approval, disapproval or suggested changes of the voters of the district to such the proposed budget. The board of trustees shall adopt a budget for the next fiscal year of the district following such public consideration thereof of the budget.

At each annual meeting of the Ogunquit Village Corporation beginning with the annual meeting for 1976, one trustee shall be elected by ballot as hereinafter provided to begin serving his term at the adjournment of the annual meeting of the district and to serve until the annual meeting of said district occurring 3 years thereafter and until his successor is elected and qualified. Trustees must be residents of the district. When any a trustee ceases to be a resident of said the district, he that trustee vacates his the office as trustee. All trustees, if residents of said the district, shall be are eligible for reelection or reappointment.

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 no fewer than 25 qualified voters resident in said the district. Each voter signing a nomination paper shall make his that voter's signature in person, and each voter may subscribe to as many nominations as there are trustees to be elected in said the district and no more. Such The nomination papers, before being filed, shall must be submitted to the clerk of the Ogunquit Sewer District, who shall forthwith certify thereon on the nomination papers that number of the signatures which that are names of qualified voters resident in said the district. One of the signers to each such separate paper shall swear to the truth thereon on the paper, and the certificate of such that oath shall must be annexed to or made upon the nomination papers. Such The nomination papers shall must be filed with the clerk of the Ogunquit Sewer District not less than 14 days, exclusive of Sundays, previous to the day of such the election. With such the nomination papers shall must also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions of this section, shall be deemed are determined to be valid. If not in apparent conformity, they may be seasonably amended under oath. In case any If a 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 removes that candidate's place of residence from said the district, the vacancy may be supplied in the manner herein provided in this section for such the nominations, except that the time limit for filing such the nomination papers shall does not apply. The name so supplied for the vacancy shall must, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall must, if practical, be furnished, or slips containing the new nomination shall must be printed under the direction of the district clerk which shall and must be pasted upon said the ballots and over the name of the candidate whose nomination has been vacated as aforesaid pursuant to this section, and thereafter shall

~~become~~ becomes part of ~~said~~ the ballots as if originally printed ~~thereon~~ on the ballots. The ballot in ~~said~~ the district ~~shall~~ must contain the names of all candidates so nominated in ~~such~~ the district alphabetically arranged, printed in one column under the heading "For Trustee of Ogunquit Sewer District-." Above ~~such~~ the 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 for-." 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~~ the names on the ballot as ~~he~~ the voter desires to vote for, not to exceed the number of trustees so to be elected in ~~said~~ the district. The result of ~~such~~ the election ~~shall~~ must be declared by the trustees of the district and due certificate ~~thereof~~ of the result filed with the clerk of the ~~Town of Ogunquit Village Corporation~~.

As soon as convenient after ~~their~~ the election or appointment of a new trustee, 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 of trustees in writing, designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; ~~provided, however, except~~ that they may meet by agreement without ~~such~~ a notice. ~~At this original meeting the trustees shall organize by electing from their own members a chairman, 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 the United States, as may be necessary for their own convenience and 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 meeting, the trustees shall meet for the purpose of electing a chairman, 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 serve in any office under the board. The trustees ~~shall~~ receive a salary of ~~\$200~~ not to exceed \$750 per year and the treasurer may be allowed ~~such~~ further compensation as the trustees ~~shall~~ determine.

The trustees ~~shall be~~ are sworn to the faithful performance of their duties ~~as such~~, which ~~shall~~ include the duties of any member who ~~shall~~ serve 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 ~~corporation~~ Town of Ogunquit's report.

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

Sec. 8. P&SL 1963, c. 87, §17, as amended by P&SL 1991, c. 22, §1 and affected by §2, is further amended to read:

Sec. 17. Authorized to borrow money, to issue bonds and notes. For accomplishing the purposes of this act, ~~said~~ the district, by vote of its board of trustees, without district vote except as ~~hereinafter~~ provided in this section, is ~~hereby~~ authorized to borrow money temporarily and to issue ~~therefor~~ for its negotiable notes, and for the purpose for renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this act, including organizational and other necessary expenses and liabilities whether incurred by the district or incurred prior to the organization of the district by the ~~Town of Ogunquit Village Corporation~~, the district being authorized to reimburse ~~said~~ the ~~Town of Ogunquit Village Corporation~~ 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, ~~said~~ the Ogunquit Sewer District, by votes of its board of trustees, without district vote except as ~~hereinafter~~ provided in this section, is also ~~hereby~~ authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees ~~shall~~ determine. The total indebtedness of ~~said~~ the district at any one time outstanding may not exceed the sum of \$7,000,000. In the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a sewage plant or system or part ~~thereof~~ of a sewage plant or system, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate is ~~\$30,000~~ \$100,000 or more, but not for renewing or

refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized ~~shall must~~ be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Ogunquit Village Corporation. No debt may be incurred under ~~such a~~ vote of the trustees until the expiration of 7 full days following the date on which ~~such the~~ notice was first published. Prior to the expiration of ~~said the~~ period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call ~~such a~~ special district meeting, if within 7 days following the publication of the ~~said~~ notice, there ~~shall have been~~ was filed with the clerk of the district a petition or petitions signed by ~~not less no fewer~~ than 50 qualified voters of the district requesting that such a special district meeting be called. If at ~~such the~~ district meeting a majority of voters present and voting ~~thereon~~ expresses disapproval of the amount of debt authorized by the trustees, the ~~said~~ debt ~~shall may~~ not be incurred and the vote of the trustees authorizing the same ~~shall be is~~ void ~~and of no effect~~. ~~Said The~~ bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 2% of the face amount of the issue and beginning not later than 3 years from the date thereof, or made to run for such periods as the trustees may determine, but ~~no an~~ issue ~~thereof shall may not~~ run for a longer period than 40 years from the date of original issue ~~thereof of the bond~~. 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 "Ogunquit Sewer District", ~~shall must~~ be 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 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 Maine Revised Statutes of 1954, chapter 90-A Title 30-A, section 23 5701, as amended, and all provisions of ~~said the~~ section ~~shall be applicable thereto apply~~. 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 the~~ district ~~shall be are~~

legal investments for savings banks in the State of Maine and ~~shall be are~~ tax exempt. The ~~said~~ district is authorized and empowered to enter into agreements with the State Government 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 carry out the provisions of this act.

Sec. 9. P&SL 1963, c. 87, §§20, 22, 23 and 24 are amended to read:

Sec. 20. Assessments against lots benefited. When the district has constructed ~~and completed~~ a common sewer or constructed or acquired other improvements associated with a common sewer, the trustees may, if they so determine, in order to ~~defray a portion of~~ recover the expense ~~thereof~~ expenses of the construction, determine what lots or parcels of land, whether or not buildings or other structures are located ~~thereon~~ on the lots or parcels of land or whether or not they are otherwise improved, are benefited by such sewer, ~~and construction or acquisition~~. The district shall ~~then~~ estimate and assess upon such lots and parcels of land, and against the owner ~~thereof of the lots or parcels of land~~, or person in possession or against whom taxes ~~thereon~~ on the lots or parcels of land are assessed, whether ~~said the~~ person to whom the assessment is so made ~~shall be is~~ the owner, tenant, lessee or agent, or against the heirs or devisees of a deceased owner without designating any of them by name and whether the same is occupied or not, ~~such a~~ sum reflecting an appropriate portion of the expenses of constructing the common sewer or acquisition of other improvements, the amount assessed not exceeding to exceed the amount of such benefit as ~~they may deem~~ the district determines just and equitable towards defraying the expenses of constructing and completing such sewer, construction or acquisition of other improvements, 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 a plan showing the location of such sewer ~~and or construction or showing the acquisition of other improvements~~, sewage disposal units, and their assessment roll containing 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 person against whom ~~said the~~ assessment is made, ~~and the~~. The clerk of ~~such the~~ district shall record the same in a book kept for that purpose, and each person so assessed ~~shall must~~ be notified of ~~such the~~ assessment by having an authentic copy of ~~said the~~ assessment roll, with an order or notice signed by the clerk of ~~said the~~ district, stating the time and place for a hearing upon the subject

matter of ~~said the~~ assessments, given to each person so assessed or left at ~~his the person's~~ usual place of abode in ~~said the~~ district at least 10 days before ~~said the~~ hearing, or by mailing the same to each person so assessed by certified mail addressed to ~~his the person's~~ last known address and by publishing the same once a week, for 3 successive weeks in any newspaper of general circulation in ~~said the~~ district, ~~said the~~ mailing and the last such publication to be at least 30 days before the hearing. A return made upon a copy of such notice by a ~~sheriff or his deputy or by any constable in the Town of Wells or said Ogunquit Village Corporation~~ notary public or the production of the paper containing such notice or the certificate of the clerk of mailing or publication ~~shall be is~~ conclusive evidence that ~~said the~~ notice has been given, and upon such. At the hearing the trustees ~~shall~~ have the power to revise, increase or diminish any of ~~such the~~ assessments, and any ~~such~~ revisions, increases or diminutions ~~shall must~~ be in writing and recorded by the clerk of the district. The trustees also have the power to make supplemental assessments for additional expenses it incurs in the construction of common sewers or acquisitions of other improvements. Supplemental assessments may be made within 5 years from the date of any assessment roll whenever it appears any lot or parcel of land benefited has been omitted from the assessment or ~~said assessment, improperly assessed or any part thereof, of the original assessment~~ is invalid or void for any reason. ~~The trustees for the time being may make such supplemental assessment~~ Supplemental assessments may be made according to the ~~procedure~~ procedures and the principles of the original assessment, and ~~such supplemental assessment shall be valid even though it may, when added to the original, exceed 1/2 of the cost of the sewer and sewage disposal units for assessments.~~

Sec. 22. Assessments; lien; sheriff's sale.

All assessments and supplemental assessments made under section 20 ~~shall~~ create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, ~~which. The lien shall take~~ takes effect when the trustees file with the clerk of the district the completed assessment roll, and ~~shall continue continues~~ shall for one year thereafter or for one year after the termination of any appeal; and within 10 days after the date of hearing on ~~said the~~ 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~~ the clerk shall certify the list and deliver it to the treasurer of ~~said the~~ district. If ~~said the~~ assessments are not paid within 3 months from the date thereof, the treasurer may bring civil action for the collection of ~~said the~~ assessment in the name of the district against the person against whom ~~said the~~ assessment is made. ~~Such~~ The action ~~shall be is~~ begun by writ of attach-

ment commanding the officer serving it to specially attach the real estate upon which the lien is claimed, which ~~shall must~~ shall be served as other writs of attachment to enforce liens on real estate. The declaration in such action ~~shall must~~ 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 the~~ real estate to secure the payment of the assessment. If ~~no~~ service is ~~not~~ made upon the defendant or it ~~shall appear appears~~ appears that any other persons are interested in ~~such the~~ real estate, the court shall order ~~such~~ further notice of ~~such the~~ action as appears proper, and shall allow ~~such the~~ other persons to become parties ~~thereto to the action.~~ thereto to the action. If it ~~shall appear appears~~ appears upon trial of ~~such the~~ action that ~~such the~~ assessment was legally made against ~~said the~~ real estate, and is unpaid, and that there is an existing lien on ~~said the~~ real estate for the payment of ~~such the~~ assessment, judgment ~~shall must~~ shall be rendered for ~~such the~~ assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution issued ~~thereon on~~ on the assessment to be enforced by sale of ~~such the~~ real estate in the manner provided for a sale on execution of real estate attached on original writs; ~~provided that as long as~~ provided that in making ~~said the~~ sale, the officer shall follow the procedure in selling and conveying and there ~~shall must~~ shall be the same rights of redemption as are provided in the Maine Revised Statutes of 1954, chapter 91-A, Title 36, section 87, as amended 941.

Sec. 23. Additional method of collection of assessments.

If assessments under section 20 are not paid and ~~said the~~ district does not proceed to collect unpaid assessments by a sheriff's sale of the real estate upon which ~~such the~~ assessments are made under section 22, or does not collect or is in any manner delayed or defeated in collecting ~~such the~~ assessments by a sheriff's sale of ~~said the~~ real estate under section 22, then the treasurer, in the name of ~~said the~~ district, may maintain a civil action against the party so assessed for the amount of ~~said the~~ assessment or supplemental assessment, as for money paid, laid out and expended, in any court of competent jurisdiction, and in ~~such a~~ suit may recover the amount of ~~such the~~ assessment, with interest at the rate of 10% per year on the same from the date of ~~said the~~ assessment or supplemental assessment, and costs.

Sec. 24. Assessments paid by other than owner, how recovered.

When any assessment under section 20 ~~shall be is~~ is paid by any person against whom ~~such the~~ assessment has been made, who is not the owner of ~~such the~~ lot or parcel of land, then the person so paying the same ~~shall have has~~ shall have a lien upon ~~such the~~ lot or parcel of land with the buildings ~~thereon on~~ thereon on the lot or parcel for the amount of ~~said the~~ assessment so paid by ~~said the~~ person, and incidental charges, which lien ~~shall continue continues~~ shall for one year and which lien may be enforced in a civil action

as for money paid, laid out and expended, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under the Maine Revised Statutes of 1954, chapter 178, Title 36, section 941.

Sec. 10. P&SL 1963, c. 87, §25 is repealed and the following enacted in its place:

Sec. 25. Lien securing collection of rates; lien certificates for collection of assessments on rates; procedure. Liens on lots or parcels of land created by section 22, in addition to other methods established by law, may be enforced in the following manner.

There is a lien to secure the payment of rates established under section 19 and assessments established under section 20 of this act assessed by the district on real estate within the district. This lien takes precedence over all other claims on the real estate, excepting only claims for taxes. The treasurer of the district has the authority and power to collect the rates, and all rates must be committed to the treasurer.

In addition to other methods previously established by law for the collection of the rates, the lien created may be enforced in the following manner, as long as in making the assessment there is a description of the real estate served by the several sewers of the district that is sufficiently accurate to identify the real estate against which any of the several rates may be charged. The treasurer, when a rate, assessment or supplemental assessment has been committed to the treasurer for collection, may, after the expiration of 8 months and within 1 year after commitment to the treasurer of the rate, give to the person against whom the rate, is assessed, or leave at the person's last and usual place of abode, or send by certified mail, return receipt requested, to the person's last known address, a notice in writing signed by the treasurer stating the amount of the rate, assessment or supplemental assessment describing the real estate on which the rate is assessed, alleging that a lien is claimed on the real estate to secure the payment of the rate and demanding the payment of the rate within 10 days after the service of the notice. After the expiration of the 10 days and within 10 days after the expiration, if the rate, assessment or supplemental assessment remains unpaid, the treasurer shall record in the registry of deeds of York County a certificate signed by the treasurer setting forth the amount of the rate, assessment or supplemental assessment, a description of the real estate on which the rate is assessed and an allegation that a lien is claimed on the real estate to secure the payment of the rate, assessment or supplemental assessment, that a demand for payment of the rate has been made in accordance with the provisions of this act and that the rate remains unpaid. In all cases, the certificate so filed need not contain the

allegation that payment of the rate has been demanded. At the time of the recording of the certificate in the registry of deeds as provided in this section, in all cases the treasurer shall file in the office of the district a true copy of the certificate and also at the time of recording, the treasurer shall mail by certified mail, return receipt requested, to each record holder of a mortgage on the real estate, addressed to the mortgage holder at the mortgage holder's last and usual place of abode, a true copy of the certificate. The fee to be charged to the ratepayer or person assessed for the notice and filing must include the costs of mailing copies of the certificate to the record holders of a mortgage on the real estate and the then-current fee charged by the register of deeds for the filing.

The filing of the certificate in the registry of deeds creates a mortgage on the real estate to the district having priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for municipal property taxes, and gives the district all the rights usually incident to a mortgage, except that the mortgagee has no right of possession of the real estate until the right of redemption provided for in this section has expired.

If the mortgage, together with interest and costs, has not been paid within 18 months after the date of filing of the certificate in the registry of deeds as provided in this section, the mortgage is deemed to be foreclosed and the right of redemption to have expired.

The treasurer shall notify the party named on the certificate and each record holder of a mortgage on the real estate no more than 45 days nor less than 30 days before the date of foreclosure of the mortgage created under this section. The notification must be in writing left at the owner's and all mortgagees' last and usual abode or sent by certified mail, return receipt requested, to the owner and mortgagees at their last known addresses. The notice must indicate the exact date of foreclosure and include the warnings and other information substantially in the following form:

STATE OF MAINE
OGUNQUIT SEWER DISTRICT
NOTICE OF IMPENDING AUTOMATIC
FORECLOSURE OF SEWER LIEN
P & S L 2001, c. _____

IMPORTANT: DO NOT DISREGARD THIS
NOTICE. YOU WILL LOSE YOUR PROPERTY
UNLESS YOU TIMELY PAY THE SEWER
CHARGES, COSTS AND INTERESTS THAT
HAVE BEEN LIENED BY THE OGUNQUIT
SEWER DISTRICT.

To:

You are the party named on the Sewer Lien Certificate filed on _____, 20____, by the Ogunquit

Sewer District and recorded in the York County Registry of Deeds in Book _____, Page _____.

The district's filing created a sewer lien mortgage on the real estate described in the Sewer Lien Certificate. On _____, 20____, the sewer lien mortgage will be foreclosed and your rights to redeem the mortgage and recover your property by paying the sewer charges, costs and interest that are owed will expire.

IF THE SEWER LIEN FORECLOSES, THE OGUNQUIT SEWER DISTRICT WILL OWN YOUR PROPERTY, SUBJECT ONLY TO MUNICIPAL TAX LIENS.

If you cannot pay the outstanding sewer charges, costs and interest that are the subject of this notice, please contact me to discuss this notice.

District Treasurer

The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage provided for in this section. If the rate, assessment or supplemental assessment, interest and costs are paid within the period of redemption provided for in this section, the treasurer of the district shall discharge the mortgage in the same manner as is now provided for discharge of real estate mortgages.

In addition to the collection authorizations set forth in this section, the treasurer of the district has all authority under the Maine Revised Statutes, Title 38, section 1206 to initiate a civil action for the collection of unpaid assessments or rates or supplemental assessments.

Sec. 11. P&SL 1963, c. 87, §26, as amended by P&SL 1975, c. 81, §§7 and 8, is repealed.

See title page for effective date.

CHAPTER 20

H.P. 985 - L.D. 1322

An Act to Increase the Borrowing Capacity of the Topsham Sewer District

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

Whereas, the Topsham Sewer District is now in the process of reconstructing and replacing old sewer mains and the funds needed will exceed the current borrowing capacity of the district; and

Whereas, the district needs immediate authority to accomplish those purposes; and

Whereas, this legislation is necessary for the health of the inhabitants; 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 1957, c. 128, §9, sub-§6, as repealed and replaced by P&SL 1977, c. 49, is amended to read:

6. Borrowing limit. ~~Said~~ The district may not become indebted in aggregate by its notes and bonds in an amount greater than ~~\$1,000,000~~ \$2,000,000 except ~~said~~ the district may, from time to time, as its trustees may decide, issue its notes or bonds in anticipation of receipt of federal or state funds or both for any project for which federal or state funds or both have been authorized but not then received by the district, which ~~said~~ anticipation notes or bonds are not to be included as part of ~~said~~ the debt limit. The notes of the district in the principal amounts of \$174,000 and \$675,000 outstanding on April 1, 1977, are ~~hereby~~ declared to have been issued in anticipation of receipt of federal or state funds, or both, for such a project.

Sec. 2. P&SL 1957, c. 128, §9, sub-§7 is enacted to read:

7. Debt limit increases. Notwithstanding the limitation on aggregate indebtedness established in subsection 6, the trustees of the district may propose a different debt limit and submit that debt limit for districtwide approval at a special or regular town meeting called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. The registrar of voters must be in session on the secular day next preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the Topsham Sewer District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the Town of Topsham and due certificate of the