

MAINE STATE LEGISLATURE

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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

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 P&SL 1963, c. 87, §26, as amended by P&SL 1975, c. 81, §§7 and 8, is repealed.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

results filed by the town clerk with the Secretary of State.

A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the town meeting. Failure of approval by the majority of voters voting at the town meeting does not prevent subsequent elections from being held for the same purpose. The costs of holding the elections are borne by the district.

The total indebtedness of the district at any one time outstanding may not exceed the sum approved in accordance with this subsection.

Sec. 3. P&SL 1957, c. 128, §9, last 3 ¶¶, as enacted by P&SL 1977, c. 49, are repealed.

Sec. 4. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the district at a special or regular town meeting or election held prior to January 1, 2002. The election must be 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 town clerk shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor increasing the debt limit of the Topsham Sewer District from \$1,000,000 to \$2,000,000?"

The voters shall indicate by a cross or check mark placed against the words "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 results filed by the town clerk with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

Effective pending referendum.

CHAPTER 21

H.P. 1275 - L.D. 1735

An Act to Amend the Charter of the Vinalhaven Water District

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

Whereas, uninterrupted collection and distribution of water is essential to the health and welfare of the inhabitants of Vinalhaven; 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 1977, c. 99, §§1 and 2 are repealed and the following enacted in their place:

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 10 of this Act, that part of the Town of Vinalhaven known as of March 1, 2001 as the Village Overlay District, which includes all lots contained in Tax Maps 17, 18, 22 and 23; Map 19, Lots 5, 6, 7, 8, 9, 10, 11, 12, 12A, 13, 14, 15, 16, 18, 19, 20 and 21; Map 21, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31; and Map 24, Lots 1, 2, 2A, 3, 4, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23A, 23B and 24, and the reservoirs and their watersheds, including all land and watersheds around Round Pond, designated as Tax Map 9, Lots 6, 7, 9, 10 and 11, and Folly Pond, designated as Tax Map 6, Lots 51, 56 and 57, and its inhabitants constitute a water district under the name "Vinalhaven Water District," referred to in this Act as the "district."

Sec. 2. Powers; authority; duties. Except as otherwise specifically provided in this Act, the district has all the powers and authority and is subject to all requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 2. P&SL 1977, c. 99, §4 is repealed and the following enacted in its place:

Sec. 4. Power to take water. The district is authorized to take, hold, divert, use and distribute water from any lake or pond in the Town of Vinalhaven and from any well, surface or underground brook, stream, spring or vein of water in the town.

Sec. 3. P&SL 1977, c. 99, §7 is repealed and the following enacted in its place:

Sec. 7. Number of trustees; terms. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district