

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
126th LEGISLATURE**

**NONPARTISAN STAFF  
STUDY**

**STANDARD SEWER DISTRICT  
ENABLING LEGISLATION**

**April 2013**

**Prepared for the Legislative Council  
at the request of the Chairs of the  
Joint Standing Committee on Energy, Utilities, and Technology  
of the 125<sup>th</sup> Legislature and  
Authorized by the Legislative Council**

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## **Executive Summary**

During the second regular session of the 125<sup>th</sup> Legislature, the Chairs of the Joint Standing Committee on Energy, Utilities and Technology (EUT) requested, and the Legislative Council on April 24, 2012, approved a staff study to develop a more streamlined process for creating and amending sewer district charters.

Sewer districts as a whole are governed by the Maine Revised Statutes, Title 38, Chapter 12; however, each individual sewer district is also governed by a charter that is a private and special law. Any new charter and amendments to existing charters come before the committee with jurisdiction over utility matters. These charters and amendments can be especially time consuming because the proposed language is often unique, despite the similar purposes and practices of all sewer districts.

The purpose of this study is to create for consideration by the Joint Standing Committee on Energy, Utilities and Technology model charter language that may be used when sewer districts are created or amended. This study does not affect existing charters or make substantive changes to laws currently applied to sewer districts. The model charter developed by this study for sewer districts conceptually follows the model that is created for water districts as a result of a staff study in 1995.

This model would replace Title 38, Chapter 12 of the Maine Revised Statutes with a new standard sewer district chapter that includes both the new model and all the substance of the existing provisions. The model language is drawn mainly from the chapters of the Maine Revised Statutes that govern sanitary districts and the standard water district law. Draft legislation that would create this model charter is attached as Appendix B.

Included in this report is a description of the process used to develop the model charter, a description of the applicability of the provisions in the model, a section that identifies policy considerations for the committee and a technical analysis of the repeal of Title 38, Chapter 12 of the Maine Revised Statutes.

Appendices to the report include a copy of the letter requesting the completion of this study, a copy of the draft legislation to implement the model charter, and a chart listing all of the provisions from the sanitary district chapter noting which provisions were incorporated into the draft legislation and which were not.

## **I. BACKGROUND**

During the second regular session of the 125<sup>th</sup> Legislature, the chairs of the Joint Standing Committee on Energy, Utilities and Technology (EUT) requested and the Legislative Council on April 24, 2012, approved a staff study to develop a more streamlined process for creating and amending sewer district charters. See Appendix A for a copy of the letter from the Chairs of the EUT committee to the Legislative Council.

Sewer districts as a whole are governed by Maine Revised Statutes, Title 38, Chapter 12; however, each individual sewer district is also governed by a charter that is a private and special law. Any new charter or amendment to existing charter comes before the committee with jurisdiction over utility matters. Over the years, significant committee and staff time has been spent reviewing these charters and amendments; language in each proposal is often unique, despite the similar purposes and practices of all sewer districts.

Sanitary districts already have a standard charter which is comprised of Title 38, Chapter 11. This statutory chapter was created in 1965, and a number of districts were created under that chapter through the Board of Environmental Protection. However, there are many districts that have not been formed under that chapter; these sewer districts have individual private and special law charters. Some sewer districts, though, have at times sought to amend their charter to incorporate provisions from the sanitary district law. This can be done, but is complicated because of the need to make the sanitary district law “fit” into a sewer district’s own charter.

The purpose of this study is to create for consideration by the Joint Standing Committee on Energy, Utilities and Technology a model charter that may be used when sewer districts are created or amended. This study does not affect existing charters or make substantive changes to laws currently applied to sewer districts. The model charter developed by this study for sewer districts conceptually follows the model that was created for water districts as a result of a staff study in 1995.



## II. PROCESS

The model charter for a standard sewer district was constructed as follows. The first component was the inclusion of all existing sewer district provisions from Title 38, Chapter 12. Added to those provisions were all of the usual provisions found in sewer district charters; the language for those provisions was modeled mainly on the language of similar provisions of the Maine Revised Statutes that govern sanitary districts found in Title 38, Chapter 11.<sup>1</sup> In some cases language from the standard water district chapter of the Maine Revised Statutes (Title 35-A, Chapter 64) was used as the basis for the model rather than language from the sanitary district chapter where substance was essentially the same but the standard water district model language was clearer and more concise.<sup>2</sup>

In addition to consulting with Rep. Fitts, the house chair of the Joint Standing Committee on Energy, Utilities and Technology, the staff consulted with an informal work group to discuss the inclusion or exclusion of certain provisions of the sanitary district chapter into the model charter and the use of language from the standard water district chapter as model language. The work group consisted of the following individuals:

Willis T. Emmons, District Manager, Kennebunk Sewer District

Michael Hanson, Superintendent, Sanford Sewer District

Kirsten Hebert, Deputy Executive Director, Maine Rural Water Association

Donna Katsiaficas, Corporate Counsel, Portland Water District

Steve Levy, Executive Director, Maine Rural Water Association

Recommendations of the work group are noted in this report.

While identifying the most effective model language and evaluating the inclusion and exclusion of specific provisions, the work group identified some areas of more substantive concerns. Some

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<sup>1</sup> Recent examples of sewer districts incorporating language from the sanitary district law are : 2011 P&SL c. 24, 2011 P&SL c. 11, 2009 P&SL c. 32, , 2005 P&SL c. 41 and 2005 P&SL c. 50.

<sup>2</sup> The sanitary district chapter (38 MRSA, c. 11) was enacted in 1965, the standard water district chapter (35-A MRSA, c. 64) was enacted in 1995.

of those concerns are addressed in the model charter; others are identified as issues that the committee may want to consider as it reviews the model charter. Both types of substantive concerns are discussed in more detail later in this report.

### **III. APPLICABILITY OF PROVISIONS IN THE MODEL CHARTER**

The model charter is designed to provide standard language for the amendment and creation of sewer district charters without changing the laws that currently apply to sewer districts. There are three types of provisions in the model charter:

1. Provisions that are currently mandatory under chapter 12 (the current sewer district chapter). These are maintained with their current application;
2. Provisions that are currently in chapter 12 but are not mandatory. These are primarily permissive, meaning that they do not require a sewer district to do something, but rather give it authority to do something, should it choose to. These provisions are also incorporated into the model charter without changing their application; and
3. Additional provisions usually found in a sewer district charter necessary to conduct its business. Most of the language for these provisions is based on similar provisions found in the sanitary district chapter (Title 38, Chapter 11). These provisions are new model language that a sewer district may choose to incorporate into its charter. These provisions would only apply to a sewer district if that sewer district incorporates them by cross reference into its charter. Please see Appendix C for a table that indicates which provisions from the sanitary district chapter were included or excluded as standard language for the model charter.

To clarify the application of the various types of provisions throughout the model charter, the term “sewer district” is used in those provisions brought forward from Chapter 12 (the laws that currently apply to sewer district); these provisions continue to apply to all sewer districts. For

those provisions that are standard and are only applicable if incorporated by cross reference into a district's charter, the term "standard district" is used.

#### **IV. DISCUSSION**

Close scrutiny of the existing sanitary district and sewer district provisions in statute led to the identification of changes that were necessary for the draft legislation to function most effectively. Those changes fall on a scale of less substantive to more substantive changes that were either incorporated into the draft legislation or identified for committee consideration but not incorporated into the draft legislation. Each category of potential amendments to existing language is discussed in more detail in this section.

##### ***A. Less substantive changes to the statutory language included in the model charter***

There are a number of provisions in the sanitary district chapter that use archaic or confusing language. Staff took this opportunity to simplify that language and in some cases, use model language from the standard water district chapter (Title 35-A, Chapter 64) which went through a similar "standardization" process in 1996. Some of the more substantial edits are outlined below in more detail.

##### ***Description of powers***

The existing sewer district chapter does not have a section on powers, however a powers section is commonly included in charters and as such there are models of "powers" language in the sanitary district law and the standard water district law. To create a "powers" section in the model charter, language was used from the existing sanitary district purpose section (38 MRSA §1063), the sanitary district powers section (38 MRSA §1151), the standard water district powers section (35-A MRSA §6404) and the sewer district's definition section (38 MRSA §1251). The section on powers in the model charter is §1039.

### *New Definitions*

“Standard district” (§1032, sub-§4 in the model) is defined as a district formed and chartered using the new model.

The term “rates” is currently defined in the sewer district chapter in a section regarding lien authority for qualified sewer districts (38 MRSA §1258, sub-§1). In the model charter, this definition is moved to the beginning of the new chapter to ensure consistency in its meaning throughout the chapter. It is used throughout the chapter to replace the phrase “rate, toll, rent or other lawful charges” (§1032, sub-§2 in the model charter).

### *Assessments*

There are a number of provisions regarding assessments in the sanitary district chapter (Title 38, sections 1203 through 1207) that could be incorporated into the model charter. However, the new definition of rate referenced above includes other lawful charges, which includes an assessment. Because the concept of an assessment is now incorporated into the rate section, it is unnecessary for the model charter to have additional assessment sections. Of the potential assessment provisions in the sanitary district chapter to incorporate, only one provision included substance that was not already incorporated through other sections related to rates, and that was section 1206 which allows a civil action for unpaid assessments. This provision was incorporated into the rate section of the model charter (§1048, sub-§8) and amended to allow for a civil action for any unpaid rates; it is not limited to assessments as it was in the sanitary district chapter. This is because without a provision that permits civil action regarding unpaid rates, the only recourse for the sewer district for unpaid rates in the model charter is a lien foreclosure. Most sewer district charters include a civil action option as an alternative to a lien foreclosure, so this option is included in the model language.

### *Municipal Elections Cross Reference*

As in the sanitary district law, the model specifies that the nomination of trustees and referenda procedures are conducted in accordance with municipal election law. In existing statute for the sanitary district chapter and the water district chapter, there are no specific statutory cross references to municipal election law. For clarity, a specific reference to municipal election law,

Title 30-A, Chapter 121 is included in the model charter in the sections addressing the nomination of trustees and the process for referenda (§1036, sub-§1; §1049; sub-§ 5; and §1051 in the model charter).

#### *Tax exemption*

Maine tax law includes a tax exemption for quasi-municipal entities such as sewer districts. The model charter cross references this tax exemption (§1034 in model). This follows what was done in the standard water district law (35-A MRSA §6415).

### ***B. More substantive changes to the statutory language used as a model for the draft legislation***

While the goal of this study was to simplify the legislative review of the amendment and creation of sewer district charters without affecting any policy changes, there are a few provisions in the model, or omissions of a few provisions, that raise policy questions. These are highlighted for the committee's consideration. Subsection I below describes these in more detail.

Additionally, there are other more substantive changes that were discussed by the work group that are not included in the draft legislation but are identified for the committee's consideration. Subsection II below describes these in more detail.

#### Subsection I

##### *Penalties*

There are three provisions in the sanitary district chapter that if violated are considered Class E crimes, §§1159, 1160 and 1161 of Title 38. These provisions deal with required connections, injury to property of the district and inspection of sewers and are incorporated into the model charter, but the penalties have been modified. The penalty for violation of the provisions addressing injury to the property of a district and required connections is drafted as a civil penalty (§1046 sub-§§2 and 3) rather than a Class E crime. The work group felt that a civil penalty was both adequate and more appropriate. The proposed civil penalty may not exceed

\$2,500 and is based on Title 35-A, §2707, sub-§3. Staff notes that civil penalties are more common for violations of this nature; for instance, damage to utility property is punishable by a civil penalty, not a criminal penalty under Title 35-A, §2707.

In the case of the inspection of sewers provision (§1047 in the model), the penalty is left out since it is unclear what the violation would be. The provision allows the district access to property; it does not prohibit any action.

### *Proposed Provisions to Repeal*

38 MRSA §1253, sub-§1 was enacted in 1981. It requires any sewer district formed after 1982 to be formed in accordance with the Maine Sanitary District Enabling Act, which requires a process through the Board of Environmental Protection. However, since 1981, sewer districts have continued to be created through private and special laws<sup>3</sup>, possibly because the process is less onerous and costly than the creation of a sanitary district. The creation of this model sewer district charter would further streamline the creation of a sewer district. If adopted, this standard charter would appear to render the requirement (which is not binding on the legislature) moot. The draft legislation proposes to repeal that provision.

38 MRSA §1252, sub-§4 was enacted in 1985 and requires any amendment to extend the boundaries of sewer district be approved through a local referendum prior to consideration by the Legislature. This provision is not binding on the Legislature, and has, in staff's memory, rarely been followed. As a matter of tradition, the Legislature typically requires any substantive charter changes to be subject to referendum approval after enactment by the Legislature. This ensures that what is voted on in a referendum is what the Legislature has approved, rather than what is proposed by the district that may be amended by the Legislature. Given this history and practice, removal of this provision would avoid confusion.

Title 38, §1201, the bonding language from the sanitary district chapter, was incorporated into the model charter as standard language with only minor grammatical changes to improve clarity

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<sup>3</sup> Records obtained from the Department of Environmental Protection indicate that since 1981, 3 sanitary districts and 3 sewer districts have been established.

(§1050 of model). The exception to this is sub-§10, which addresses changes to debt limits. In place of this provision, model language from the standard water district (35-A MRSA §6413) is inserted (§1051 in model). That language requires that a debt limit be established through a referendum process. Current sewer district law (38 MRSA §1256), which has also been brought forward into the model §1052 provides that debt limits may be increased through a referendum process.

The current sewer district chapter includes two types of waivers for lien foreclosures, one for sewer districts that have lien provisions in their charters (38 MRSA §1257) and one for qualified sewer districts (38 MRSA §1258, sub-§4). The model charter combines the two types of waivers into one section (§1049). To avoid duplication, the model charter does not include a separate lien foreclosure section for qualified sewer districts.

### ***C. Other Noteworthy Policy Considerations***

Other noteworthy policy considerations not incorporated into the draft proposal but that the committee may want to consider are outlined below.

#### ***Required Municipal Comment***

38 MRSA §1253, sub-§3 requires the legislative committee to obtain written comments from the municipalities that lie in whole or in part within a district before acting on any proposed sewer district charter amendment. This provision, unlike the rest of the sewer district chapter, places a requirement on the legislative committee, not a sewer district. Because one Legislature can not bind another, this provision does not bind legislative committees. Additionally, sewer district amendments come before the committee as a bill on which a public hearing will be held, giving municipalities the opportunity to bring any comments forward. Even if the committee invites written comment from the municipality, it cannot force the municipality to comment. However because this provision is part of Chapter 12, which applies to all sewer districts, it is included in the model (§1035). If the committee decided that this provision should be repealed, the draft legislation would need to be amended.

### *The Sanitary District Chapter*

As mentioned, many of the standard provisions in the model are based on the sanitary district chapter; however, some provisions were edited to improve readability. The work group noted that it may be worth revisiting the sanitary district chapter in the future to determine if similar edits should be made to that chapter.

### *Sanitary District Competitive Bidding Requirement*

38 MRSA §1210 requires a sanitary district to competitively bid any contract in excess of \$2,000 for the construction of facilities located on private property. This provision was enacted in 1973. The work group questioned under what circumstances a sanitary district would build a facility on private property and hire the contractor to complete the work (rather than the private property owner hiring the contractor), but assuming there were such circumstance, the work group suggested that the \$2,000 amount be increased to a level that is more appropriate for 2012.

This provision from the sanitary district chapter is not included in the model sewer district charter as a standard provision for sewer districts as it appears to be anachronistic.

## **V. REPEAL OF CHAPTER 12: TECHNICAL ANALYSIS**

Because the goal of this study is to streamline the amendment of sewer district charters and the creation of new sewer district charters without compromising current sewer district law, this section of the report provides a section by section summary of how each provision in Title 38, Chapter 12, the laws currently governing sewer districts, was incorporated into the model. As discussed earlier, there are some provisions from Chapter 12 that are amended in or omitted from the model charter.

### *Section 1251, Definitions*

The first paragraph of this section is incorporated into the definition of “sewer district” in the model (§1032, sub-§3). The second paragraph which is not definitional is incorporated into a separate section (§1033, sub-§6) of the model charter.



### *Section 1252, Additions to Private and Special Laws*

This section has several provisions that are incorporated into the private and special laws governing all sewer districts. Most of these provisions are incorporated directly into the model as applicable to all sewer districts. Each subsection is specifically discussed below.

*Subsections 1 and 2* regarding the adoption of new rates and eminent domain were incorporated directly into the model (§1048, sub-§5 and §1040, respectively).

*Subsection 3* regarding connection of private sewers is incorporated into the model charter but edited slightly for clarity; no substantive changes are made (§1046, sub-§4).

*Subsection 4* regarding the requirement that amendments to extend the boundaries of a sewer district be approved by referendum prior to consideration by the Legislature was not included in the model charter for the reasons mentioned in Section IV, Subsection B, Subsection I, fourth paragraph of this report.

*Subsections 5 and 6* regarding trustees' compensation and retirement, respectively, are included in the model (§1036, sub-§§7 and 8) edited slightly for clarity; no substantive changes were made.

*Subsections 7 and 8* regarding sewer extensions and enforcement power were incorporated directly into the model charter (§1042 and §1046, sub-§1).

*Subsections 9, 10, 11 and 12* regarding coordination with municipal planning, lease of property, landlord access to tenant bill payment information and impact fees are directly incorporated into the model charter (§1037, §1045, §1051 and §1048, sub-§1, ¶ B, respectively).

### *Section 125, Governance of Sewer Districts*

This section includes three subsections. Each is discussed in more detail below.

*Subsection 1* regarding the formation of new sewer districts under the Maine Sanitary District Enabling Act is not included in the model for the reasons outlined section IV, Paragraph B, Subsection 1, third paragraph of this report.

*Subsection 2* regarding the reorganization of an existing sewer districts as a sanitary district is incorporated into the model with minor edits to improve clarity (§1038).

*Subsection 3* regarding the requirement that prior to acting upon a proposed sewer district charter amendment the legislative committee considering the amendment must obtain written comments from affected municipalities is included in the model (§1035). This provision is one highlighted for consideration for repeal by the committee in Section IV, Subsection B, Subsection II, Paragraph 2 of this report.

*Section 1254, Effective date*

The effective date provision of Chapter 12 is not incorporated into the model because it is not applicable.

*Section 1255, Mutual funds*

This section is directly incorporated into the model (§1055).

*Section 1256, Sewer districts; authority to increase debt limits*

This section is directly incorporated into the model with one minor edit for clarity (§1053).

*Section 1257, Waiver of sewer district lien foreclosure*

This section is directly incorporated into the model charter but is amended to include qualified sewer districts (§1049 of the model).

*Section 1258, Qualified sewer districts; collection of unpaid rates*

This section is directly incorporated into the model (§1050) with two minor changes. One, the definition of “rate” is moved from this section to the beginning of the chapter so that the term can be used consistently throughout the model. Second, sub-§4 regarding waiving the lien

foreclosure is not included because qualified sewer districts may adopt §1049, which is a provision in the model charter regarding waiving a lien foreclosure that applies to all sewer districts.

## **APPENDIX A**

### **Letter of Requesting Study**



SENATE

MICHAEL D. THIBODEAU, District 23, Chair  
CHRISTOPHER W. RECTOR, District 22  
PHILIP L. BARTLETT, District 6

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LOUIS J. LUCHINI, Ellsworth

State of Maine  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

TO: Senator Kevin L. Raye, Chair  
Representative Robert W. Nutting, Vice-Chair  
Legislative Council  
Members of the Legislative Council

FROM: Michael D. Thibodeau, Senate Chair  
Stacey Allen Fitts, House Chair  
Joint Standing Committee on Energy, Utilities and Technology

DATE: 29 March 2012

RE: **Request for legislative staff study relating to sewer district enabling law**

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We are writing to request a legislative staff study on issues related to sewer district charters.

Our committee regularly deals with sewer district charters and a great deal of committee and staff time can become devoted to dealing with technical, structural and other issues that could be avoided if a more streamlined and process were established.

We note that similar issues led to a staff study in 1995 that resulted in the creation of the Standard Water District enabling law, which has greatly streamlined the processing of water district charters and has provided a model that many older districts have used to update their charters. We are seeking to have staff develop similar model or standard language for sewer districts.

We would request that staff work with House Chair Fitts in developing the appropriate standard language.

Thank you for your consideration of this request. If you have any questions, please let us know.

cc: David Boulter, Executive Director  
Marion Hylan Barr, OPLA Director

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**APPENDIX B**  
**Draft Legislation**





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

**Sec. 1. 38 MRSA c. 12**, as amended, is repealed.

**Sec. 2. 38 MRSA c. 10** is enacted to read:

## **CHAPTER 10 STANDARD SEWER DISTRICTS ENABLING ACT**

### **SUBCHAPTER 1 GENERAL PROVISIONS**

#### **§1031. Purpose**

The purpose of this chapter, which may be known and cited as the “Standard Sewer District Enabling Act” is to promote consistency among the powers and authorities of sewer districts in this State. The intent of this chapter is to suggest standard provisions that may be included in a charter created or amended after January 1, 2014. Except as specifically provided in section 3, subsections 1 and 2 or otherwise provided by law, in recognition of the unique nature of each sewer district, its customers and its priorities, the provisions of this chapter are specifically not intended to be mandatory.

#### **§1032. Definitions**

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings:

**1. Charter.** (from 35-A MRSA §6402) “Charter” means a private and special law or series of private and special laws that establishes a sewer district and defines its responsibilities and authorities.

**2. Rates.** “Rates” means any rate, toll, rent or other lawful charge established by a sewer district pursuant to its charter.

**3. Sewer district.** (from 38 MRSA §1251, 1<sup>st</sup> ¶). “Sewer district” means any district, including multipurpose districts and standard districts, created by the private and special laws of the State whose purposes include collection, interception and treatment of sewerage. Except as otherwise provided in this chapter or other applicable law, “sewer district” does not include a district whose sewerage activities are confined to interception and treatment.

**4. Standard district.** (from 38 MRSA §6402, sub-§2). “Standard district” means a sewer district that is formed and chartered pursuant to this chapter.

### **§1033. Scope and application**

Except as otherwise provided in the following provisions, or in subsection 6, the provisions of this chapter apply as follows.

**1. Application to all sewer districts.** Except as otherwise provided in the following referenced provisions or in subsection 6, the following provisions are incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with the following provisions is void and of no effect.

A. Section 1036, subsection 7 relating to trustees compensation and subsection 8 relating to trustees retirement;

B. Section 1037, relating to coordination with municipal planning;

C. Section 1040 relating to the right of eminent domain;

D. Section 1042 relating to sewer extensions;

E. Section 1045 relating to lease of property;

F. Section 1046 subsection 1 relating to violation of standards by an industrial user and subsection 4 relating to connections of private sewers that are not required;

G. Section 1048, subsection 1, paragraph B relating to impact fees and connection fees and subsection 5 relating to adoption of rates; and

H. Section 1051 relating to landlord access to tenant bill payment information.

**2. Other provisions from chapter 12.** The following provisions apply to all sewer districts as specified in the provisions:

A. Section 1038 relating to reorganization as sanitary districts;

B. Section 1050 relating to qualified sewer districts and the collection of unpaid rates;

C. Section 1053 relating to the authority to increase debt limits; and

D. Section 1055 relating to mutual funds.

**3. Standard provisions.** Except as provided in subsections 1 and 2, or other express provisions of this chapter, the provisions of this chapter do not apply to a sewer district unless the charter of that district incorporates those provisions.

**4. Provisions not included in this chapter.** *(from 35-A MRSA §6403, sub-§1)* The following provisions are not specified in this chapter and must otherwise be specified in a standard district charter.

A. The corporate name of the district;

B. The territorial limits of the district;

C. The number of trustees of the district, which in accordance with section 1036 may not be less than 3;

D. The appointing authority responsible for appointing or the method of electing the first board of trustees;

E. The terms of the trustees who are elected or appointed subsequent to the first board. Terms of the first board are determined pursuant to section 1036, subsection 4.

F. Whether the trustees, subsequent to the first board, are appointed or elected. Reference must be made to the appropriate subsections of section 1036; and

G. The procedures for local referendum on the creation of a standard district.

**5. Optional provisions.** A standard district charter may include provisions relating to the following:

A. Special qualifications of trustees;

B. Election of trustees by other than at large elections as provided in section 1036, subsection 1. Any provision for election of trustees by other than at large elections must establish voting districts in conformance with the judicial principle of one person, one vote;

C. Additional purposes and powers of the district, such as authority to buy out an existing sewer company or to provide water or other utility services;

D. Areas outside the district's territory in which the district is authorized to provide sewer services;

E. Areas outside the sewer district's territory in which the sewer district is authorized to locate facilities;

F. Notwithstanding section 1053, a specific debt limit;

G. Towns with which the sewer district is authorized to contract to provide sewer service; and

H. Any other provisions or duties necessary to accomplish the legislative purposes for creating the sewer district.

**6. Limited districts; exception.** *(from 38 MRSA §1251, 2<sup>nd</sup> ¶)* Except as otherwise expressly provided in this subsection or other applicable law, a sewer district whose sewerage collection activities are limited to collection performed pursuant to a contract with one or more municipalities is exempt from the requirements of this chapter, including, but not limited to, the provisions listed in subsection 1. The sewerage collection activities may include the ownership, maintenance or operation of the collection facilities but not the fixing of rate schedules for their use. If the district owns the collection facilities used under the contract, the district is subject to the requirements of section 1042.

**7. Guidelines for modified charters.** *(from 35-A MRSA §6403, sub-§3)* As determined appropriate by the Legislature, a standard district may include provisions that differ from those set forth in this chapter.

**§1034. Exemption from taxation** *(from water district 35-A MRSA §6415)*

A standard district is a public municipal corporation within the meaning of Title 36, section 651 and the property of the district is exempt from taxation to the extent provided in that section.

**§1035. Legislative amendment of charters** *(sewer district, 38 MRSA, §1253, sub-§3)*

Prior to acting upon any proposed sewer district charter amendment, the legislative committee shall obtain written comments from the municipalities that lie in whole or in part within the district.

**SUBCHAPTER 2**  
**GOVERNANCE**

**§1036. Trustees** *(from 35-A MRSA §6410 unless otherwise noted)*

All of the affairs of a standard district must be managed by a board of trustees whose members must be residents of the district. The number of trustees must be specified in the standard district's charter and may not be less than three. After selection of the first board, each trustee is nominated and elected or appointed as provided in the charter creating the standard district and in accordance with subsection 1 or 2, as applicable. If the charter does not indicate whether trustees are appointed or elected, the trustees, after the selection of the first board, must be elected in accordance with subsection 1.

**1. Nominations and elections; vacancies.** Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections in Title 30-A, Chapter 121.

When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the standard district. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by

the trustees of the standard district in the same manner as town meetings are called and for this purpose, the trustees are vested with the powers of municipal officers of towns. A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the standard district.

The trustees shall appoint a registrar of voters for the sewer district, who may also be the registrar of voters for any town within the sewer district, and fix the registrar's salary. It is the registrar's duty to make and keep a complete list of all the registered voters resident in the standard district. The list prepared by the registrar governs the eligibility of any voter. Voters who are resident outside the territorial limits of the standard district, as defined in its charter, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's lists. All warrants issued for elections by the trustees must show that only the voters resident within the territorial limits of the sewer district are entitled to vote.

**2. Appointments.** If the charter creating a standard district specifies that the trustees are appointed, the appointments must be made as provided in the charter.

**3. Eligibility requirements.** When a trustee ceases to be a resident of a standard district, the trustee shall vacate the office of trustee and the vacancy is filled as provided in sections 1 or 2, as applicable. All trustees are eligible for reelection or reappointment, but a person who is a municipal officer, as defined in Title 30-A, section 2001, subsection 10, of any town located, in whole or in part, within the standard district is not eligible for appointment, nomination or election as a trustee of that district.

**4. First board.** The first board is appointed or elected as provided in the charter creating the district. At the first meeting, the initial trustees shall determine by agreement or, failing to agree, they shall determine by lot the term of office of each trustee. The terms of the trustees must be determined in accordance with the following table.

<u>Total number of trustees</u>	<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>4</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
<u>8</u>	<u>2</u>	<u>3</u>	<u>3</u>
<u>9</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>10</u>	<u>3</u>	<u>3</u>	<u>4</u>
<u>11</u>	<u>3</u>	<u>4</u>	<u>4</u>
<u>12</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>13</u>	<u>4</u>	<u>4</u>	<u>5</u>
<u>14</u>	<u>4</u>	<u>5</u>	<u>5</u>
<u>15</u>	<u>5</u>	<u>5</u>	<u>5</u>

The trustees shall enter on their records the determination made. Vacancies are filled pursuant to subsection 1 or 2 as applicable.

At this original meeting, the trustees shall organize by electing from among their members a chair and a clerk, by adopting a corporate seal and by electing a treasurer who may or may not be a trustee.

**5. Organization; conduct of business.** Within one week after each annual appointment or election, the trustees of a district shall meet for the purpose of electing a chair, treasurer and clerk from among them to serve for the ensuing year and until their successors are elected or appointed and qualified. The trustees, from time to time, may choose and employ and fix the compensation of any other necessary officers and agents who serve at the pleasure of the trustees. The treasurer shall furnish bond in the sum and with sureties approved by the trustees. The district shall pay the cost of the bond.

The trustees may adopt and establish bylaws consistent with the laws of this State and necessary for the convenience and the proper management of the affairs of the district, and perform other acts within the powers delegated by law to the trustees.

The trustees shall be sworn to the faithful performances of their duties including the duties of a member who serves as clerk or clerk pro tem. The trustees shall publish an annual report that includes a report of the treasurer.

Business of the district must be conducted in accordance with the applicable provisions of the freedom of access laws, Title 1, sections 401 to 410.

**6. Decisions of the board.** All decisions of the board of trustees must be made by a majority of those present and voting, except that a vote to approve the issuing of any bond, note or other evidence of indebtedness payable with a period of more than 12 months after the date of issuance must be approved by a majority of the entire elected board. A quorum of the board of trustees consists of the total number of authorized trustees divided by 2 and, if necessary to obtain a whole number, the resulting number rounded up to the next whole number.

Trustees are subject to the conflict of interest provisions of Title 30-A, section 2605.

**7. Trustees compensation; application to all sewer districts.** *(from 38 MRSA §1252, sub-§5, mandatory provision)*

The trustees of a sewer district shall receive compensation as recommended by them and approved by majority vote of the municipal officers in the municipalities representing a majority of the population within the district, including compensation for any duties they perform as officers as well as for their duties as trustees. Certification of the vote must be recorded with the Secretary of State and recorded in the bylaws. Compensation for duties as trustees must be based on an amount specified in the bylaws, for each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed a specific amount as specified in the bylaws. Compensation schedules in effect on January 1, 1982, must continue in effect until changed.

This subsection, which replaces former section 1252, subsection 5, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this subsection is repealed, unless the district's charter expressly references this subsection or former section 1252, subsection 5 and specifically provides that this subsection or former section 1252, subsection 5 does not apply.

**8. Trustees retirement; application to all sewer districts.** *(from 38 MRSA §1252, sub-§6, mandatory provision)* Persons who have not been trustees of a sewer district prior to January 1, 1987, and who are not full-time employees, are not eligible to become members of the Maine Public Retirement System as a result of their selection as trustees.

This subsection, which replaces former section 1252, subsection 6, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this subsection is repealed, unless the district's charter expressly references this subsection or former section 1252, subsection 6 and specifically provides that this subsection or former section 1252, subsection 6 does not apply.

**9. Expenses.** The trustees of a standard district may obtain an office and incur necessary expenses.

**§1037. Coordination with municipal planning; applicable to all sewer districts** *(from 38 MRSA §1252, sub-§9)*

The following provisions facilitate coordination of municipal planning and sewer extension planning.

**1. Growth management.** The trustees of a sewer district shall cooperate with municipal officials in the development of municipal growth management and other land use plans and ordinances.

**2. Development that affects the district.** Municipal officers shall cooperate with the trustees of a sewer district during the consideration of development applications that may affect the operations of the district.

This section, which replaces former section 1252, subsection 9, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this section is repealed, unless the district's charter expressly references this section or former section 1252, subsection 9 and specifically provides that this section or former section 1252, subsection 9 does not apply.

**§1038. Reorganization as sanitary districts** *(from 38 MRSA §1253, sub-§2)*

Any sewer district existing on January 1, 1982 may, but is not required to, reorganize as a sanitary district under the Maine Sanitary District Enabling Act by a referendum in accordance with section 1101, subsection 1-A. The referendum may be initiated by the voters or by a majority of the trustees.



### **SUBCHAPTER 3**

#### **POWERS**

#### **§1039. Powers (compiled from 38 MRSA §1251, 38 MRSA §1063, 38 MRSA §1151; and 35-A MRSA §6404)**

Except as otherwise provided by law, for the purposes of its incorporation, a standard district may locate, construct and maintain pipes, drains, sewers, conduits, treatment plants, pumping stations and other necessary structures and equipment for the collection, interception and treatment of sewerage, commercial and industrial waste and storm and surface water for the health, welfare, comfort and convenience of the inhabitants of the district.

All incidental powers, rights and privileges necessary to accomplish the objectives set forth in this chapter are granted to a standard district

#### **§1040. Right of eminent domain; application to all sewer districts (from 38 MRSA §1252, sub-§2 mandatory provision)**

The authority and procedures for the exercise of eminent domain by sewer districts must conform to sections 1152, 1152-A, 1153 and 1154. In addition, no sewer district may take by right of eminent domain any of the property or facilities of any other public utility used, or acquired for future use by the owner thereof, in the performance of a public duty, unless expressly authorized by a special Act of the Legislature.

This section, which replaces former section 1252, subsection 2, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this section is repealed, unless the district's charter expressly references this section or former section 1252, subsection 2 and specifically provides that this subsection or former section 1252, subsection 2 does not apply.

#### **§1041. Crossing other public utilities and railroad corporations (from 38 MRSA §1155, and 35-A MRSA §6407)**

If a standard district, in constructing, maintaining or replacing any of its facilities, must cross any property of another public utility or railroad corporation, the standard district must obtain the consent of the other public utility or railroad corporation and undertake the work in accordance with conditions established by agreement. If, within 30 days after requesting consent, the standard district fails to reach an agreement with the public utility or railroad corporation the district may petition as follows.

**1. Public Utility.** In the case of crossing property of a public utility, the standard district may petition the public utilities commission to determine the time, place, and manner of crossing. All work done on the property of the public utility must be done under the supervision and to the satisfaction of the public utility or as prescribed by the public utilities commission.

**2. Railroad Corporation.** In the case of crossing the property of a railroad corporation, the standard district may petition the department of transportation to determine the time, place and manner of crossing. All work done on the property of the railroad corporation must be done under the supervision and to the satisfaction of the railroad corporation or as prescribed by the department of transportation.

All work must be done at the expense of the standard district.

**§1042. Sewer extensions; application to all sewer districts** *(from 38 MRSA §1252, sub-§7, mandatory provision).*

Sewer extensions are governed by this section.

**1. Written assurance from municipality.** A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

A. Any development, lot or unit intended to be served by the sewer extensions is in conformity with any adopted municipal plans and ordinances regulating land use; and

B. The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

If the municipal officers fail to issue a response to a written request from a district for written assurance with 45 calendar days of receiving the request in writing, the written assurance is deemed granted.

Not less than 7 days prior to the meeting at which the trustees will take final action on whether to proceed with the extension, the trustees of the district shall publish notice of the proposed extension in a newspaper having a general circulation that includes all municipalities through which the sewer extensions will pass.

**2. Review of municipal decision; application to all sewer districts.** For an intermunicipal sewer extension, when written assurance is denied by municipal officers pursuant to subsection 1, an aggrieved party may appeal, within 15 days of the decision, to the Department of Agriculture, Conservation and Forestry for a review of the municipal officers' decision. Notwithstanding Title 5, chapter 375, subchapter IV, the following procedures apply to the review by the Department of Agriculture, Conservation and Forestry.

A. The Department of Agriculture, Conservation and Forestry may request any additional information from the sewer district, the municipality or the department. All information requested by the Department of Agriculture, Conservation and Forestry must be submitted within 30 days of the request, unless an extension is granted by the Department of Agriculture, Conservation and Forestry.

B. Within a reasonable time, the Department of Agriculture, Conservation and Forestry shall hold a hearing. The Department of Agriculture, Conservation and Forestry shall give at least 7 days' written notice of the hearing to the sewer district, the municipality and the party that requested the hearing. The hearing is informal and the office may receive any information it considers necessary.

C. Within 15 days of the hearing and within 60 days of the rest for review, the Department of Agriculture, Conservation and Forestry shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the office constitutes final agency action.

D. Notwithstanding section 1, if the Department of Agriculture, Conservation and Forestry determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the Department of Agriculture, Conservation and Forestry shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating language use, and the sewer district may construct the sewer extension.

This section, which replaces former section 1252, subsection 7, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this section is repealed, unless the district's charter expressly references this section or former section 1252, subsection 7 and specifically provides that this subsection or former section 1252, subsection 7 does not apply.

**§1043. Conditions for carrying out work (from 38 MRSA §1158)**

When any standard district enters, digs up or excavates any public way or other land to lay or maintain its sewers, drains or pipes, constructing manholes or catch basins or other appurtenances or for any other purpose, the work must be done expeditiously. On completion of the work the district shall restore the way or land to its condition prior to such work, or to a condition equally as good. If the work is being undertaken in a municipality and could potentially endanger travel on any public way, the municipal officers of the municipality in which the work is being done may order a temporary closing of the way, and of any intersecting way. Upon request of the standard district, the way must remain closed to public travel until the municipal officers of the unit of local government-determine it restored to a condition safe for traffic. If the work is being undertaken in an unorganized territory and could potentially endanger travel on any public way, the commissioners of the county wherein the public way is located may order a temporary closing of the way, and of any intersecting way. Upon request of the standard district, the way must remain closed to public travel until the county commissioners determine it restored to a condition safe for traffic.

**§1044. Contracts** *(from 35-A MRSA §6411 and 38 MRSA §1157)*

A district, through its trustees, in order to carry out the purposes of its incorporation, may contract with persons, districts, utilities, corporations or with municipalities, the State or other government entities.

**§1045. Lease of property; application to all sewer districts** *(from sewer districts, 38 MRSA §1252, sub-§10, mandatory provision)*

A sewer district may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other necessary action or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this section, “lease” includes a lease of any length, including leases that may be defined as sales for income tax purposes.

This section, which replaces former section 1252, subsection 10, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this section is repealed, unless the district’s charter expressly references this section or former section 1252, subsection 10 and specifically provides that this subsection or former section 1252, subsection 10 does not apply.

**§1046. Enforcement**

Sewer districts and standard districts have enforcement powers as specified in this section.

**1. Violation of standards by an industrial user; application to all sewer districts.** *(from 38 MRSA §1151-A and 38 MRSA §1252, sub-§8, mandatory provision)* Any sewer district may seek in a civil action injunctive relief from an industrial user that violates any pretreatment standard or requirement, administered by the district. The district may seek a civil penalty of up to \$1,000 per day for each violation by an industrial user of a pretreatment standard or requirement.

This subsection, which replaces former section 1252, subsection 8, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this subsection is repealed, unless the district’s charter expressly references this subsection or former section 1252, subsection 8 and specifically provides that this subsection or former section 1252, subsection 8 does not apply.

**2. Injury to property of standard districts.** *(from 38 MRSA §1161, edited)* A person may not place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of any standard district formed under this chapter contrary to its regulations or knowingly injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district.

A person who violates this subsection is liable to pay twice the amount of the damages to the district, to be recovered in any proper action; and is subject to a civil penalty not to exceed

\$2,500 for each violation, payable to the standard district. The civil penalty is recoverable in a civil action. (civil penalty modeled from 35-A MRSA §2707)

**3. Required connection.** *(from 38 MRSA §1160)* Except as provided in subsection 4, upon receiving a request from a standard district to connect a building located in the territory of the standard district that is accessible to a sewer or drain of the district and that is intended for human habitation or occupancy or that has facilities for discharge or disposal of waste water or commercial or industrial waste, the owner of that building shall arrange to have the building connected through a sanitary sewer or drainage system to the district's accessible sewer or drain in the most direct manner possible. If feasible, each building requiring connection must have its own separate connection. The connection must be completed within 90 days of the receipt by the owner of the request, or within any extended period requested by the owner and agreed to by the trustees. For purposes of this subsection, "owner" includes the owners of record or any person against whom property taxes on the building are assessed.

A person who receives a notice in accordance with this subsection to connect to a building that fails to connect to the building in accordance with this subsection is subject to a civil penalty not to exceed \$2,500, payable to the standard district. This penalty is recoverable in a civil action. (penalty modeled on 35-A MRSA §2707)

**4. Connections not required; application to all sewer districts.** *(from 38 MRSA §1252, sub-§3)* Existing buildings that are already served by a private sewer system are not required to connect with any sewer or drain of any sewer district as long as the private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate any applicable law or ordinance applicable thereto or any applicable requirements of the State of Maine Plumbing Code, as determined by the municipal plumbing inspector or the municipal plumbing inspector's alternate, or, in the event that both are trustees or employees of the district, the Division of Health Engineering.

This subsection, which replaces former section 1252, subsection 3, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this subsection is repealed, unless the district's charter expressly references this subsection or former section 1252, subsection 3 and specifically provides that this subsection or former section 1252, subsection 3 does not apply.

**5. Permissive connection.** *(from 38 MRSA §1156).* A person not otherwise required to connect a private sewer into a sewer of a standard district may connect to the district's sewer if that person obtains a permit from the district and pays any charges required by this subsection. The clerk of the district shall record the permit in the records of the district.

A. If construction of the district's sewer is complete at the proposed point of entry of the private sewer and the district has established an entrance charge for entry at that location, the person seeking to connect the private sewer at that location shall pay the entrance charge before the connection is undertaken.

B. If the district's sewer is under construction and not completed at the point of the proposed entry of the private sewer, the person seeking to connect the private sewer at that location is not required to pay any entrance charge.

**§1047. Inspection of sewers (from 38 MRSA §1159)**

The officers or agents of a standard district have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce this chapter and the rules and regulations prescribed by the trustees of the district.

**SUBCHAPTER 4**  
**RATES AND FEES**

**§1048. Rates and fees (from 38 MRSA §1202 unless otherwise noted)**

All persons, firms and corporations, whether public, private or municipal shall pay to the treasurer of a standard district the rates established by the trustees for the sewer or drainage service used or available with respect to their real estate as long as those rates are consistent with this section.

**1. Uniform rates.** Rates must be uniform within a standard district, whenever the cost to the district of installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform except that:

A. A district may establish a higher rate in sections where, for any reason, the cost to the standard district of construction and maintenance, or the cost of service, exceeds the average as long as the higher rates are uniform throughout the sections where they apply; and

B. Trustees may reduce the impact fee or connection fee, as those terms are defined in Title 30-A, section 5061, for sewer service to newly constructed affordable housing in accordance with Title 30-A, chapter 202-A. (from 38 MRSA §1252, sub-§12)

Paragraph B, which replaces former section 1252, subsection 12, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with paragraph B is repealed, unless the district's charter expressly references this section or former section 1252, subsection 12 and specifically provides that paragraph B or former section 1252, subsection 12 does not apply.

**2. Multidistrict rates.** Notwithstanding any other provision of law, a standard district which shares supplies or contracts for services with another district shall establish rates mutually agreeable to the trustees of each participating district.

**3. Readiness to serve.** A standard district's rates may include readiness to serve rates charged against owners of real estate abutting on or accessible but not connected to sewers or drains of the district, whether or not such real estate is improved.

**4. Interest on late payments.** A standard district may charge and collect interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of the State for municipal taxes.

**5. Adoption of rate schedule.** *(From 38 MRSA §1252, sub-§1)* 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 to each ratepayer a notice of the public hearing and the proposed rate at least 14 days prior to the hearing.

This subsection, which replaces former section 1252, subsection 1, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this subsection is repealed, unless the district's charter expressly references this subsection or former section 1252, subsection 1 and specifically provides that this subsection or former section 1252, subsection 1 does not apply.

**6. Revenue from rates.** Rates established by the board of trustees in accordance with this chapter must be fixed and adjusted so as to produce in aggregate revenue at least sufficient, together with any other revenues to:

A. Pay the current expenses of operation and maintaining the sewerage, drainage and treatment of the system of the district;

B. Pay the principle of, premium, if any, and interest on all bonds and notes issued by the district under this chapter as they become due and payable;

C. Create and maintain such reserves as may be required by any trust agreement or resolution securing bonds and notes;

D. Provide funds for paying the cost of all necessary repairs, replacements and renewals of the sewerage, drainage and treatment systems of the districts; and

E. Pay or provide for any and all amounts which the standard district may be obligated to pay or provide for by law or contract, including any resolution or contract with or benefit of the holders of its bonds and notes.

**7. Rates in an unorganized territory.** In the case of a standard district encompassing unorganized territory, rates applicable to real estate in that unorganized territory must be charged against the person or entity in possession of the real estate.

**8. Civil action for unpaid rates.** If rates under this section are not paid, and a standard district does not collect unpaid rates as a qualified sewer district under section 1050, then the standard district may maintain a civil action against the person who has not paid rates for the amount of the unpaid rates plus 10% interest.

**§1049. Waiver of sewer district lien foreclosure** *(from 38 MRSA §1257)*

A sewer district, including but not limited to a qualified sewer district subject to section 1050, may use the following provision to waive a lien foreclosure.

**1. Waiver.** The treasurer of a sewer district, including a qualified sewer district, when authorized by the trustees of the district, may waive the foreclosure of a district lien mortgage created pursuant to the district's charter by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate are not affected by the filing of a waiver under this section.

**2. Form.** The waiver of foreclosure under subsection 1 must be substantially in the following form:

The foreclosure of the sewer lien mortgage on real estate for charges against...(NAME) to...(NAME OF SEWER DISTRICT) dated...and recorded in the....County Registry of Deeds in Book....., Page.... is hereby waived.

The form must be dated, signed by the treasurer of the district and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

**§1050. Qualified sewer districts; collection of unpaid rates** *(from 38 MRSA §1258)*

The provisions of this section apply only to qualified sewer districts.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible sewer district" means a sewer district whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district.

B. "Qualified sewer district" means an eligible sewer district that has satisfied the requirements of subsection 5; or a standard district that includes this section in its charter.

C. "Real estate" means an identified parcel of land and its improvements, if any, including, but not limited to, a mobile home.



**2. Lien.** There is a lien on real estate served or benefited by the sewers of the qualified sewer district to secure the payment of the qualified sewer district's rates. The lien established under this section takes precedence over all other claims on such real estate, except claims for taxes.

**3. Collection.** The treasurer of the qualified sewer district may collect rates, and all rates must be committed to the treasurer. The treasurer may, after demand for payment, sue in the name of the qualified sewer district in a civil action in any court of competent jurisdiction for any rates remaining unpaid. In addition to other methods established by law for the collection of rates and without waiver of the right to sue for the collection of rates, the lien created under subsection 2 may be enforced in the following manner.

A. When rates have been committed to the treasurer of the qualified sewer district for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the rates became due and payable, give to the owner of the real estate served, 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 the amount of the rates due, describing the real estate upon which the lien is claimed and stating that a lien is claimed on the real estate to secure the payment of the rates and demanding the payment of the rates within 30 days after service or mailing, with \$1 added to the demanded rate for the treasurer and an additional fee to cover mailing the notice by certified mail, return receipt requested. The notice must contain a statement that the qualified sewer district is willing to arrange installment payments of the outstanding debt.

B. After the expiration of 30 days and within one year after giving notice pursuant to paragraph A, the treasurer of the qualified sewer district shall record in the registry of deeds of the county in which the property of the person is located a certificate signed by the treasurer setting forth the amount of the rates due, 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 rates and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rates remain unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the qualified sewer district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

C. The filing of the certificate in the registry of deeds creates a mortgage held by the qualified sewer district on the real estate described in the certificate 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 qualified sewer district all the rights usually possessed by mortgagees, except that the qualified sewer district as mortgagee does not have any right to possession of that real estate until the right of redemption has expired.

D. If the mortgage created under paragraph C, together with interest and costs, has not been paid within 18 months after the date of filing the certificate in the registry of deeds in accordance with paragraph B, the mortgage is foreclosed and the right of redemption expires. The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage. In the event that the rate, with interest and costs, is paid within the period of redemption, the treasurer of the qualified sewer district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

E. The owner of the real estate shall pay the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by Title 33, section 751, plus \$13, plus all certified mail, return receipt requested, fees.

F. Not more than 45 days or less than 30 days before the foreclosing date of the mortgage created under paragraph C, the treasurer of the qualified sewer district shall notify the party named on the mortgage and each record holder of a mortgage on the real estate in a writing signed by the treasurer or bearing the treasurer's facsimile signature and left at the holder's last and usual place of abode or sent by certified mail, return receipt requested, to the holder's last known address of the impending automatic foreclosure and indicating the exact date of foreclosure. For sending this notice, the qualified sewer district is entitled to receive \$3 plus all certified mail, return receipt requested, fees, which must be added to and become a part of the amount due under paragraph E. If notice is not given in the time period specified in this paragraph, the person not receiving timely notice has up to 30 days after the treasurer provides notice as specified in this paragraph in which to redeem the mortgage. The notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE  
..... SEWER DISTRICT  
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE  
SEWER LIEN  
M.R.S.A., Title 38, section 1258  
IMPORTANT: DO NOT DISREGARD THIS NOTICE  
YOU WILL LOSE YOUR PROPERTY UNLESS  
YOU PAY THE CHARGES, COSTS AND INTEREST FOR WHICH  
A LIEN ON YOUR PROPERTY HAS BEEN CREATED BY THE  
..... SEWER DISTRICT.

TO: .....

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

.....  
District Treasurer

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

H. A discharge of the certificate given after the right of redemption has expired, which discharge has been recorded in the registry of deeds for more than one year, terminates all title of the qualified sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the qualified sewer district has conveyed any interest based upon the title acquired from any of the affected liens.

**4. Adoption; referendum.** An eligible sewer district may become a qualified sewer district in accordance with this subsection. The trustees of the eligible sewer district shall submit a proposal to become a qualified sewer district for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the eligible sewer district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following form:

"Do you favor authorizing the (insert name of sewer district) to become a qualified sewer district, allowing the district to exercise the lien authority established in the Maine Revised Statutes, Title 38, section 1050 with respect to unpaid rates?"

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 trustees and entered upon the sewer district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

The eligible sewer district becomes a qualified sewer district under this section only upon acceptance of the question by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the sewer district.

This section replaces former section 1258. Any sewer district that had become a qualified sewer district pursuant to former section 1258 is a qualified sewer district under this section and section 1049.

**§1051. Landlord access to tenant bill payment information; application to all sewer districts (from 38 MRSA §1252, sub-§11, mandatory provision)**

If a tenant is billed for sewer service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the sewer district shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's account, including any amounts due or overdue.

This section, which replaces former section 1252, subsection 11, is incorporated into the private and special laws governing every sewer district and any part of a sewer district charter not in conformity with this section is repealed, unless the district's charter expressly references this section or former section 1252, subsection 11 and specifically provides that this subsection or former section 1252, subsection 11 does not apply.

**SUBCHAPTER 5**  
**BONDS, INVESTMENT AND DEBT LIMIT**

**§1052. Authorized to receive government aid, borrow money, issue bonds and notes (from 38 MRSA §1201 unless otherwise noted) .**

A standard district is authorized to receive government aid, borrow money and issue bonds and notes in accordance with this section.

1. **Authorization of bonds.** A standard district may provide by resolution of its board of trustees, without district vote, for the borrowing of money and the issuance from time to time of bonds for any of its corporate purposes, including, but not limited to:

A. Paying and refunding its indebtedness;

B. Paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities, whether incurred by the district or any municipality therein or any person residing in unorganized territory encompassed by the district. The district being may reimburse any municipality therein or any person residing in unorganized territory encompassed by the district for any such expenses incurred or paid by it or him;

C. Paying costs directly or indirectly associated with acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating sewage and treatment plants, or systems, and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction and for any period thereafter as the trustees may determine;

D. Providing reserves for debt service, repairs and replacements or other capital or current expenses as may be required by a trust agreement or resolution securing bonds; and

E. Any combination of these purposes.

Bonds may be issued under this section as general obligations of the district or as special obligations payable solely from particular funds. The principal of, premium, if any, and interest on all bonds shall be payable solely from the funds provided for that purpose from revenues. For purposes of this section, the term "revenues" means and includes the proceeds of bonds, all revenues, rates, fees, entrance charges, assessments, rents and other receipts derived by the district from the operation of its sewer system and other properties, including, but not limited to, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties. All bonds issued by a district under this section are legal obligations of the district, and a district whose charter includes this section is declared to be a quasi-municipal corporation within the meaning of Title 30-A, section 5701. Bonds may be issued under this section without obtaining the consent of any commission, board, bureau or agency of the State or of any municipality encompassed by the district, and without any other proceedings or the happening of other conditions or things other than those proceedings, conditions or things which are specifically required by the district's charter or other applicable law. Bonds issued under this section do not constitute a debt or liability of the State or of any municipality encompassed by the district or a pledge of the faith and credit of the State or any such municipality, but the bonds shall be payable solely from the funds provided for that purpose, and a statement to that effect shall be recited on the face of the bonds.

**2. Notes.** A standard district may also provide by resolution of its board of trustees, without district vote, for the issuance from time to time of notes in anticipation of bonds authorized under this section and of notes in anticipation of the revenues to be collected or received in any year or in anticipation of the receipt of federal or state grants or other aid. The issue of these notes is governed by the applicable provisions of this chapter relating to the issue of bonds, provided that notes in anticipation of revenue must mature no later than one year from their respective dates and notes issued in anticipation of federal or state grants or other aid and renewals thereof must mature no later than the expected date of receipt of those grants or aid. Notes in anticipation of revenue issued to mature less than one year from their dates may be renewed from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the original note or the interest thereon may not exceed one year.

A standard district is authorized and empowered to enter into agreements with the State or the United States, or any agency of either, or any municipality, corporation, commission or board authorized to grant or loan money to or otherwise assist in the financing of projects of the type which that district is authorized to carry out, and to accept grants and borrow money from any such government, agency, municipality, corporation, commission or board as may be necessary or desirable to accomplish the purposes of the district.

**3. Maturity; interest; form; temporary bonds.** The bonds issued under this section must be dated, must mature at such time or times not exceeding 40 years from their date or dates and must bear interest at such rate or rates as may be determined by the board of trustees, and may be made redeemable before maturity, at the option of the district, at the price or prices and under the terms and conditions as fixed by the board of trustees prior to the issuance of the bonds. The

board of trustees shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. Bonds must be executed in the name of the district by the manual or facsimile signature of the officer or officers as authorized in the resolution to execute the bonds, but at least one signature on each bond must be a manual signature. Coupons, if any, attached to the bonds must be executed with the facsimile signature of the officer or officers of the district designated in the resolution. In case any officer, whose signature or a facsimile of whose signature appears on any bonds or coupons, ceases to be such officer before the delivery of the bonds, the signature or its facsimile is nevertheless valid and sufficient for all purposes as if the officer had remained in office until the delivery.

Notwithstanding any of the other provisions of this chapter or any recitals in any bonds issued under this section, all bonds issued under this section are negotiable instruments under the laws of this State. The bonds may be issued in coupon or registered form, or both, as the board of trustees may determine, and provision may be made for the registration of any coupon bonds as to principal alone and as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The board of trustees may sell bonds in this manner, either at public or private sale, and for the price as they determine to be for the best interests of the district. The proceeds of the bonds of each issue must be used solely for the purpose for which those bonds have been authorized, and must be disbursed in the manner and under the restrictions, if any, as the board of trustees provide in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds. The resolution providing for the issuance of bonds, and any trust agreement securing the bonds, may contain limitations upon the issuance of additional bonds as the board of trustees determine proper, and these additional bonds must be issued under such restrictions and limitations as prescribed by that resolution or trust agreement. Prior to the preparation of definitive bonds, the board of trustees may, under the same restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when those bonds are executed and are available for delivery. The board of trustees may provide for the replacement of any bond which is mutilated, destroyed or lost.

**4. Pledges and covenants, trust agreement.** In the discretion of the board of trustees of the district, each or any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company located within or outside the State.

A. The resolution authorizing the issuance of the bonds or the trust agreement may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the district and any accounts and contract or other rights to receive the revenues of the moneys, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the district, and the proceeds thereof, but may not convey or mortgage the sewer system or any other properties of the district. The resolution may also contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable and proper and not in violation of law, including, but not limited to, covenants setting forth the duties of the district and the

board of trustees in relation to the acquisition, construction, reconstruction, improvement, repair, maintenance, operation and insurance of its sewer system or any of its other properties, the fixing and revising of rates, fees and charges, the application of the proceeds of bonds, the custody, safeguarding and application of revenues, defining defaults and providing for remedies in the event of defaults which may include the acceleration of maturities, the establishment of reserves and the making and amending of contracts. The resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition, the resolution or trust agreement may contain such other provisions as the board of trustees determine reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the resolution or trust agreement may be treated as a part of the cost of operation. The pledge by any such resolution or trust agreement is valid and binding and is deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made. All revenues, moneys, rights and proceeds so pledged and thereafter received by the district are immediately subject to the lien of the pledge without any physical delivery or segregation thereof or further action under the Uniform Commercial Code or otherwise, and the lien of the pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the district irrespective of whether those parties have notice thereof.

B. The resolution authorizing the issuance of bonds under this section, or any trust agreement securing those bonds, may provide that all or a sufficient amount of revenues, after providing for the payment of the cost of repair, maintenance and operation and reserves as may be provided in the resolution or trust agreement, must be set aside at such regular intervals as provided in the resolution or trust agreement and deposited in the credit of a fund for the payment of the interest on and the principal of bonds issued under this section as the interest and principle shall become due, and the redemption price or purchase price of bonds retired by call or purchase. The use and disposition of moneys to the credit of the fund are subject to any regulations provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds and, except as may otherwise be provided in the resolution or trust agreement, the fund shall be a fund for the benefit of all bonds without distinction or priority of one over another.

**5. Trust funds.** Notwithstanding any other law, all moneys received pursuant to the authority of a standard district's charter are trust funds, to be held and applied solely as provided in the charter of the district. The resolution authorizing the issuance of bonds or the trust agreement securing the bonds must provide that any officer to whom, or bank, trust company or other fiscal agent to which, those moneys are paid must act as trustee of those moneys and must hold and apply the moneys for the purposes of the district in accordance with its charter, subject to any regulations as may be provided in the resolution or trust agreement or as may be required by the charter of the district.

**6. Remedies.** Any holder of bonds issued under this section or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights

given may be restricted by the resolution authorizing the issuance of those bonds or trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, including proceedings for the appointment of a receiver to take possession and control of the properties of the district, protect and enforce any and all rights under the laws of the State, including this section, or under the resolution or trust agreement, and may enforce and compel the performance of all duties required by the district charter or by such resolution or trust agreement to be performed by the district or by any officer thereof, including the fixing, charging and collecting of rates, fees and charges for the use of or for the services and facilities furnished by the district.

**7. Refunding bonds.** A standard district by resolution of its board of trustees, without district vote, may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. The refunding bonds may be issued at a time prior to the maturity or redemption of the refunded bonds as the board of trustees determines to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded and any reserves for debt service or other capital or current expenses from the proceeds of the refunding bonds as may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details of those bonds, the security for those bonds, the rights of the holders, and the rights, duties and obligations of the district in respect of those bonds is governed by the applicable provisions of the district charter relating to the issue of bonds other than refunding bonds.

**8. Tax exemption.** All bonds, notes or other evidences of indebtedness issued under the district's charter, and the transfer of and the income from those bonds, notes or other evidence of indebtedness, including any profit made on this sale is exempt from taxation within the State.

**9. Bonds declared legal investments.** Bonds and notes issued by any district under this section are securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies and associations and other persons carrying on an insurance business, trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations, credit unions, building and loan associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing, retirement funds and other persons carrying on a banking business, and all other persons, authorized to invest in bonds or other obligations of the State, may properly and legally invest funds, including capital in their control or belonging to them. The bonds and notes are securities which may properly and legally be deposited with and received by any state, municipal or public officer, or any agency or political subdivision of the State, for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

**§1053. Debt limit; approval by voters of a standard district (from 35-A MRS §6413)**

Prior to issuing on behalf of a standard district any bond, note or other evidence of indebtedness payable with a period of more than 12 months after the date of issuance, the



trustees shall propose a debt limit for the standard district that the trustees must submit for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the standard district's registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located with the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The question presented must conform to one of the following forms:

For establishment of an initial debt limit: "Do you favor establishing the debt limit of the (insert name of standard district) at (insert amount)?";

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 trustees and entered upon the standard district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

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

Trustees may not issue any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance unless the total amount of such debt issued by the trustees is no more than the amount approved by referendum under this section.

**§1054. Authority to increase debt limits; sewer districts (from 38MRSA §1256 and 35-A MRSA §6413-A)**

A sewer district may increase its debt limits in accordance with this section.

**1. Debt limit.** Notwithstanding any provision of its charter to the contrary, a sewer district may increase its debt limit by referendum in accordance with this section. A sewer district is not required to use the procedure provided by this section and may seek to increase its debt limit by any other lawful means, including pursuant to any other means described in its charter or by seeking legislative amendment to its charter.

**2. Referendum.** If a sewer district chooses to increase its debt limit pursuant to this section, the governing body of the sewer district shall propose a new debt limit and submit the proposal for approval at a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of

registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented by in substantially the following form:

“Do you favor changing the debt limit of the (insert name of 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 governing body of the district and entered upon the district’s records. Due certificate of results must be filed by the clerk with the Secretary of State.

**3. Approval.** A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of legal voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The cost of referenda are borne by the district.

**§1055. Mutual funds; sewer districts (from 38 MRSA §1164 and §1255, 35 MRSA §6416)**

A sewer district may invest its funds, including sinking funds, reserve funds and trust funds, to the extent that the term of any instrument creating the funds do not prohibit the investment, in shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States Securities Act of 1933, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States or repurchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States. This section is in addition to, and not in limitation of, any power of a sewer district to invest its funds.

## **SUMMARY**

This bill repeals Title 38, chapter 12 of the Maine Revised Statutes.

This bill creates a model standard sewer district charter in statute. It includes standard language for the common provisions included in a sewer district charter. It also includes the current mandatory requirements of Title 38, chapter 12, except the requirement that a new sewer district be formed under the Sanitary District Enabling Act and that a proposed amendment to extend the boundaries of a sewer district be approved by referendum before the amendment is presented to the legislature.

This bill does not affect existing sewer district charters.



## **APPENDIX C**

### **Sanitary District Provisions**



## Appendix C

### Sanitary District Provisions in Proposed Standard Sewer District Legislation

Section	Title	In proposed legislation
<b>General Provisions</b>		
1061	Short title	No (not applicable)
1062	Declaration of policy	No (not applicable)
1063	Purpose	Yes
1064	Exemption from taxation	Yes
1065	(repealed)	No
1066	Provision supplemental to law	No (not necessary)
1067	Reimbursement of costs to municipalities	Yes
1068	Lease of property by sanitary district	No (used sewer district chapter)
<b>Organization</b>		
1101	Formation	No (not applicable)
1101-A	Fees	No (not applicable)
1102	Approval and organization	No (not applicable)
1103	Transfer of property and assets	No (not applicable)
1104	Trustees	No (used water district chapter)
1105	Election of trustees	No (used water district chapter)
1106	Operational date of sanitary districts	No (not applicable)
<b>Powers</b>		
1151	Powers	Yes
1151-A	Enforcement power	Yes
1152	Right of eminent domain	Yes
1152-A	Procedure in exercise of right of eminent domain	Yes
1153	Condemnation proceedings	Yes
1154	Appeal	Yes
1155	Crossing other utilities	Yes
1156	Entry of private sewer	Yes
1157	Contracts for disposal of sewage	Yes
1158	Conditions for carrying out work	Yes
1159	Inspection of sewers	Yes
1160	Connection of private sewers	Yes
1161	Injury to property of districts	Yes
1162	Expansion of sanitary district boundaries	No (see explanation in report)
1163	Sewer extensions	Yes
1163-A	Coordination with municipal planning	Yes
1164	Mutual funds	Yes
<b>Bond, Rates, Assess</b>		
1201	Bonds and notes	Yes
1202	Rates	Yes
1202-A	Impact fees and connection fees; affordable housing	Yes
1203	Assessments	No (covered by new rate section)
1204	Appeal on assessment	No (covered by new rate section)
1205	Lien for unpaid assessments	No (covered by sewer district lien)
1206	Civil action for unpaid assessment	Yes
1207	Assessment paid by persons other than owner	No (not included in sewer district lien)
1207-A	Landlord access to tenant bill payment information	Yes
1208	Collection of unpaid rates	Yes
1208-A	Waiver of automatic foreclosure of lien mortgage	Yes
1209	Supplementary charges	No (covered by new rate section)
1210	Competitive bidding	No (application questionable)

