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## An Act To Amend the Sanford Sewerage District

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

### PART A

**Sec. A-1. P&SL 1947, c. 169, §1, first ¶**, as repealed and replaced by P&SL 1977, c. 90, §1, is amended to read:

**Sec. 1. Territorial limits; corporate name; purposes.** The inhabitants and territory within the Town of Sanford in the County of York shall be, and hereby are, created a body politic under the corporate name of the "Sanford Sewerage District," hereinafter called "the district," for the purposespurpose of providing and maintaining within the district the existing sewers and such additions thereto as are necessary for the adequate operation of that system, and the district is hereby authorized to provide, construct, maintain and operate those systems of sewage and sewage disposal, and to lay, make and maintain such common sewers as the board of trustees may, from time to time, deem necessary for the disposing of its sewage for the health, welfare, comfort and convenience of the inhabitants of the Town of Sanforda means of collecting, conveying, pumping, treating and disposing of domestic sewage and commercial and industrial waste within the district and outside the district.

**Sec. A-2. P&SL 1947, c. 169, §2**, as amended by P&SL 1977, c. 90, §3, is repealed and the following enacted in its place:

**Sec. 2. Powers.** The district is invested with all powers, rights, privileges and immunities incident to similar corporations or necessary for the accomplishment of the district's purposes. Additionally, the district is authorized for the purposes of this section to take over and hold the sewers and other assets of the existing sewerage system of the Town of Sanford and to acquire and hold by purchase, lease, the exercise of the right of eminent domain or otherwise land, real estate, rights or easements, or interests in land, real estate, rights or easements, located within the district or elsewhere and personal property. The district has all the powers and authorities and is subject to all the limitations and restrictions provided to a sanitary district formed under the Maine Revised Statutes, Title 38, chapter 11, except that sections 1061, 1062, 1067, 1101, 1102, 1103, 1104, 1105, 1106, 1201, subsection 10, 1203, 1205, 1206, 1207 and 1210 do not apply to the district and any notice impending automatic foreclosure issued by the district must bear the name "Sanford Sewerage District" in all appropriate locations.

**1. Enforcement.** The district is granted the right of enforcement powers as specified in the Maine Revised Statutes, Title 38, section 1252, subsection 8.

**2. Contracts.** The district is authorized to contract with persons, corporations, districts and other municipalities, both inside and outside the boundaries of the district, with the State of Maine and the United States Government or any agency of either and private contractors, to provide for disposal of sewage and commercial and industrial waste and storm and surface water through the district's system and through the system of any such person, corporation, district or other municipality; and every other

district and municipality of the State of Maine is authorized to contract with the district for the collection, distribution, treatment and disposal of sewage and commercial and industrial waste and storm and surface water.

**Sec. A-3. P&SL 1947, c. 169, §3** is amended to read:

**Sec. 3. Liability for damages.** The district ~~shall be~~ is, to the extent required by law, liable for all the damages ~~that shall be~~ sustained by any person ~~in his property by the~~ as a result of the district's taking of any lands, rights, easements or interest ~~therein, whatsoever, or by entering on or excavating through any land~~ in real property for the accomplishment of its purposes. If any person sustaining damage as aforesaid and the district ~~shall do~~ do not mutually agree upon the sum to be paid ~~therefor~~ for the damage, ~~such~~ the person may cause ~~his~~ the person's damage to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in the case of damages resulting from the location of town ways.

As a governmental entity, as defined in the Maine Tort Claims Act, the district and its officers, agents and employees are afforded all of the privileges and immunities granted under the Maine Tort Claims Act. All claims seeking recovery of damages must be brought in accordance with the terms of the Maine Tort Claims Act.

**Sec. A-4. P&SL 1947, c. 169, §4** is amended to read:

**Sec. 4. Power to lay and maintain sewer.** The district is hereby authorized to lay in and through streets and highways, under any water course, way or public and private railroad, in the manner prescribed by law, within and outside the district, and to remove and replace such pipes, aqueducts and fixtures as may be necessary ~~for the objects above set forth, and whenever the district shall lay, remove or replace~~ lays, removes or replaces any pipes, aqueducts or fixtures in any street or highway, it shall cause the work to be done with as little obstruction as possible to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement to be replaced in proper condition. ~~The district shall be liable to any person injured by any fault of the district or its agent, or any defects in the highway occasioned by the construction of the work, or during the repair of same, and also liable to said person or persons, who are injured through the carelessness of the employees of the district.~~

**Sec. A-5. P&SL 1947, c. 169, §4A** is enacted to read:

**Sec. 4-A. Sewer extensions.** Sewer extensions are governed by the Maine Revised Statutes, Title 38, section 1252, subsection 7.

**Sec. A-6. P&SL 1947, c. 169, §5**, as repealed and replaced by P&SL 1977, c. 90, §5, is amended to read:

**Sec. 5. Offenses and penalties.** ~~Any~~ A person ~~or entity~~ who ~~shall place~~ places or ~~leave~~ leaves ~~an~~ offensive or injurious matter or material on or in the ~~district's~~ district's conduits, catch-basins or receptacles ~~of the district contrary to the regulations, or shall willfully injure~~ injures any conduit, pipe, reservoir, flush tank, catch-basin, manhole, outlet, engine, pump or other property held, owned or used by the district for the purposes of this Act, shall pay twice the amount of the damages to the district to be recovered in any proper action, and that person ~~shall be~~ is guilty of a Class E crime.

**Sec. A-7. P&SL 1947, c. 169, §6,** as amended by P&SL 1997, c. 74, §1, is repealed and the following enacted in its place:

**Sec. 6. Officers.** All the affairs of the district are managed by a board of 5 trustees. Trustees are elected at the Town of Sanford annual municipal election and assume office on January 1st following the election. The trustees must be residents and qualified voters of the district, who are elected by ballot of the voters of the district legally qualified to vote in the Town of Sanford elections. The trustees hold office for staggered terms of 3 years and until their successors are chosen and qualified.

Any registered voter of the district may become a candidate for the office of trustee and have the candidate's name appear on the municipal election ballot by signing and presenting a petition to the town clerk, signed by the number of registered voters of the district as provided by the Maine Revised Statutes, Title 21-A. If a vacancy occurs more than 3 months before the next annual election, the vacancy must be filled by the appointment of a registered voter of the district by the town council of the Town of Sanford for the remaining period until the next annual election.

At the January meeting following the annual election, the trustees shall elect or appoint a chair, vice-chair, treasurer, clerk and any other necessary officers to serve until the next annual election and until their successors are elected or appointed and qualified.

A trustee or an inhabitant of the district may serve as treasurer and shall furnish a bond or appropriate insurance coverage in such sum and with such sureties as the trustees may approve, with the cost of the bond or insurance to be paid by the district. Members of the board are eligible for any office under the board, but may not receive any compensation as an officer except as trustee, with the exception that whoever serves as treasurer receives a salary to be determined by the trustees. Each member trustee must be sworn in for faithful performance of the trustee's duty.

The trustees are entitled to compensation as recommended by them and approved by majority vote of the town council, 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. Their compensation for duties as trustees must be on the basis of the specified amount as may be specified in the bylaws, for each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed the specific amount as may be specified in the bylaws. Compensation schedules in effect on January 1, 1982, continue in effect until changed.

**Sec. A-8. P&SL 1947, c. 169, §6A,** as enacted by P&SL 1997, c. 74, §2, is amended to read:

**Sec. 6-A. Establishment of rules; preparation of annual report.** The trustees may from time to time adopt, establish and amend reasonable rules, regulations and bylaws for the construction, use, repair and maintenance of sewers and fix and collect the fees to be paid for entering the same, and also the quarterly rentals for the use thereof necessary for the proper management of the affairs of the district and perform other acts within the powers delegated by law to the trustees. The trustees also shall prepare, publish and make available for any interested inhabitants of the district an annual report and financial statement of the affairs of the district for the calendar year just preceding, such report and statement to be prepared, published and made available as soon as practicable after the close of the calendar year.

**Sec. A-9. P&SL 1947, c. 169, §7, first ¶,** as amended by P&SL 1977, c. 90, §10, is repealed and the following enacted in its place:

**Sec. 7. May hold property; right of eminent domain; crossing other public utilities.** The district is authorized and empowered to accept, by action of its trustees, from the inhabitants of the Town of Sanford, and the Town of Sanford is authorized to convey, by deed signed by a majority of the town council of the Town of Sanford, duly authorized by the inhabitants of the Town of Sanford, to the district all right, title and interest that the town may have in and to the drains and sewers now located within the limits of the district, but any amount now owed by the Town of Sanford upon the sewers and drains, or any interest due on any amounts owed, must be paid by the Town of Sanford, and any assessments or amounts, due the Town of Sanford, by reason or on account of any sewer or drain built by the Town of Sanford, must be paid to the Town of Sanford. The district is further authorized and empowered to take and hold by purchase, lease, the exercise of the right of eminent domain, which right of eminent domain is expressly granted to the district, or otherwise personal property, land or real estate, or easements in the land or real estate, necessary for forming basins or outlets, for laying pipes and maintaining the same and for laying and maintaining conduits for carrying, collecting, discharging and disposing of sewerage matters and waters and for all other objects and purposes necessary, convenient and proper for the purposes of this Act and any other lawful purposes. The authority and procedures for the exercise of eminent domain by the district must conform to the requirements of the Maine Revised Statutes, Title 38, section 1252, subsection 2.

**Sec. A-10. P&SL 1947, c. 169, §7A** is enacted to read:

**Sec. 7-A. Exempt property.** The property, both real and personal, rights and franchises of the district are forever exempt from taxation.

**Sec. A-11. P&SL 1947, c. 169, §8** is amended to read:

**Sec. 8. Right of abutters to enter the sewer.** The district, at all times, shall be bound to permit the owners of all premises abutting upon its lines and pipes and conduits to enter the same with all proper sewage, upon conformity to the rules and regulations of the district, and payment of the rates, prices and rentals assessments, fees and charges established therefor to enter the lines, pipes and conduits with all proper sewage.

**Sec. A-12. P&SL 1947, c. 169, §8A,** as enacted by P&SL 1977, c. 90, §11, is repealed and the following enacted in its place:

**Sec. 8-A. Connection of private sewers.** Every building within the district intended for human habitation or occupancy or with facilities for discharge or disposal of sewage or commercial or industrial waste that is accessible to a sewer drain of that district must have a sanitary sewer or drainage system that must be connected with that sewer or drain of the district by the owner or person against whom taxes on the premises are assessed in the most direct manner possible within 90 days after receiving a request for connection from the district or within such further time as the trustees of the district may grant and, if feasible, with a separate connection for each building. Existing buildings that are already served by a private sewer system are not required to connect with any sewer or drain of the 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 or any applicable requirements of the state plumbing code, as determined by the municipal plumbing inspector, the plumbing inspector's alternate or, in the event that both are trustees or employees of the district, the Department of Health and Human Services, Division

of Health Engineering. A building is considered to be accessible to a sewer or drain of the district for the purposes of this section if that building or any private sewer or drain directly or indirectly connected to the building, or carrying sewage or commercial or industrial waste from the building, is at any point or may at some point come within 200 feet of a sewer or drain of the district; except that nothing in this section requires the owner of any building to acquire any real property or easement for the sole purpose of making that connection.

**Sec. A-13. P&SL 1947, c. 169, §9, 2nd ¶**, as repealed and replaced by P&SL 1957, c. 153, §3, is amended to read:

As funds provided for in this section permit, and soas far as suehthe separation may be feasible as provided in this section, and under the direction and supervision of the Board of Trustees of said ~~District~~the district, the catch-basins, storm-water lines and any other surface drainage facilities now connected with the sanitary sewerage system shallmust as rapidly as possible be separated from saidthe sanitary sewer system by methods and devices such as connecting catchbasins into stormwater lines, extending storm-water lines to natural water courses, and diverting storm-water sources away from sanitary sewerage lines. As suehthe separation is effected, the ~~District~~district, acting through its trustees, is authorized to convey by deed signed by a majority of suehthe trustees to the inhabitants of the townTown of Sanford, any and all right, title and interest which said ~~District~~that the district may have in and to suehthe separated catch-basins, storm-water lines and other surface drainage facilities now located within said ~~District~~the district, and the said inhabitants of the townTown of Sanford by action of a majority of its ~~Selectmentown council~~ shall accept suehthe separated catch-basins, storm-water lines and other surface drainage facilities to be thereafter maintained, repaired, replaced and extended under the direction of saidthe inhabitants of the townTown of Sanford as a part of the usual and regular functions of its Highway Department or Departments.

**Sec. A-14. P&SL 1947, c. 169, §10**, as amended by P&SL 1997, c. 74, §§3 and 4, is repealed and the following enacted in its place:

**Sec. 10. Authorization to raise and borrow funds.** To procure funds for the purposes of this Act and for such other expenses as may be necessary for the carrying out of the purposes, the district without a district vote but by action of its board of trustees, is authorized to raise funds from sources other than operational activities by borrowing money pursuant to the Maine Revised Statutes, Title 38, section 1201. The district may issue its notes and bonds in one series or in separate series from time to time, as long as the aggregate outstanding principal balance at any one time does not exceed \$22,000,000 unless a higher debt obligation limit is approved pursuant to section 10-A.

**Sec. A-15. P&SL 1947, c. 169, §10A**, as enacted by P&SL 1997, c. 74, §5, is repealed and the following enacted in its place:

**Sec. 10-A. Increases in the debt obligation limit.** The district is authorized to increase its debt obligation limit pursuant to the Maine Revised Statutes, Title 38, section 1256. The district shall hold a referendum on any increase in its debt obligation pursuant to Title 38.

**Sec. A-16. P&SL 1947, c. 169, §10B** is enacted to read:

**Sec. 10-B. State and federal aid or grants.** For accomplishing the purposes of this charter, the district through its trustees without vote of the inhabitants may receive state and federal aid or grants.

**Sec. A-17. P&SL 1947, c. 169, §11,** as amended by P&SL 1977, c. 90, §15, is repealed.

**Sec. A-18. P&SL 1947, c. 169, §12,** as repealed and replaced by P&SL 1977, c. 90, §16, is repealed and the following enacted in its place:

**Sec. 12. Rates.** All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district rates pursuant to the Maine Revised Statutes, Title 38, section 1202 and other lawful charges established by the board of trustees for the services used or available to them. The sewer rates may include rates for the district's readiness to serve charge against owners or persons in possession or against whom the taxes are assessed of all buildings or premises intended for human habitation or occupancy, whether the same are occupied or not, that abut on a street or location through which the district has constructed a sewer line, or the building of which is within 200 feet of a sewer line constructed by the district, although the premises are not actually connected to the sewer line.

**Sec. A-19. P&SL 1947, c. 169, §13,** as repealed and replaced by P&SL 1977, c. 90, §17, is repealed and the following enacted in its place:

**Sec. 13. Collection of unpaid rates.** The collection of unpaid rates by the treasurer of the district is governed by the Maine Revised Statutes, Title 38, section 1208. In the event that a lien for unpaid rates automatically forecloses and the right of redemption expires, the district may retain the real property so obtained for its own use or may dispose of it on such terms and conditions and by whatever means and procedures as the trustees determine to be reasonable in the circumstances.

**Sec. A-20. P&SL 1947, c. 169, §13-F,** as enacted by P&SL 1977, c. 90, §18, is repealed.

## PART B

**Sec. B-1. Existing trustees; transition.** Trustees of the Sanford Sewerage District in office on the effective date of this Act may continue in office until the next Town of Sanford municipal election after the effective date of this Act. At that election the trustees are elected for staggered terms. The trustee that receives the most votes will be elected for 3 years, the trustee that receives the 2nd most votes is elected for 2 years and the trustee with the 3rd most votes is elected for one year. When the term of office of a trustee expires, that trustee's successor is elected in accordance with this Act.

## SUMMARY

This bill amends the charter of the Sanford Sewerage District.