

## INTRODUCTION TO VEAZIE SEWER DISTRICT CHARTER

The District was incorporated as a quasi-municipal incorporation pursuant to the P & S Laws of 1951, Chapter 114 and assumed responsibility for the sewage collection system owned by the Town of Veazie as the system then existed. Through 1985, the only amendments to its Charter were to expand the District's borrowing capacity from time to time. Today's borrowing limit of \$2,000,000 was adopted in 1985 in anticipation of qualifying for a federal grant to pay for a portion of the cost of the construction of a sewage treatment plant.

In 1988, the provisions of the District's Charter was amended to expand its powers to establish and collect rates for services used or available to persons and corporations and to impose liens on delinquent properties.

In 2013, Section 1 of the Charter was amended by the Legislature to extend the northeast boundary to encompass all of the territory of the Town of Veazie lying to the southeast of Interstate Highway 95.

Also in 2013, Section 12 of the Charter was amended by the Legislature to provide that voting for District's Trustees be conducted at the same time and in the same manner as voting for a town councilor or school board member.

Attached is a copy of the present Charter reflecting the integration of all amendments through 1988 and the amendments adopted in 2013.

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

## H.P. 467 - L.D. 675

**An Act To Amend the Charter of the Veazie Sewer District**

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

**Whereas,** this legislation makes changes to the boundaries of the Veazie Sewer District; and

**Whereas,** the Veazie Sewer District holds its annual meeting in June and the changes made by this legislation may not take effect before the date of the meeting if this legislation is not enacted as an emergency; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** P&SL 1951, c. 114, §1, as amended by P&SL 1979, c. 86, §1, is further amended to read:

**Sec. 1. Incorporation.** ~~The portion of the territory of the town Town of Veazie and the inhabitants within the same, excepting the area in the most northwesterly corner of the town which is bounded by the Veazie Bangor town line, the southeasterly line of Stillwater Avenue, the Veazie Orono town line and a line extending from the intersection of the northeasterly line of Chase road, so-called, with said Veazie Bangor town line to said Veazie Orono town line, and being parallel with said southeasterly line of said Stillwater Avenue, shall constitute that lies between the Penobscot River and Interstate 95~~ constitutes a body politic and corporate under the name of the "Veazie Sewer District," referred to in this Act as "the district." The purpose of the district shall be to take over, control, manage and operate the sanitary sewers now owned by the Town of Veazie with all appurtenances thereto; to extend, increase, enlarge and improve the drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of

the town not now served with such facilities; to provide for removal of sewage; to discharge sewage into the Penobscot River at points most reasonable and convenient for the district; to provide for treatment of sewage in whole or in part before discharging it into the river when, as and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage drainage for public purposes and for the health, comfort and convenience of the inhabitants of the district; ~~provided that as long as~~ nothing contained herein shall in this Act may be construed so as to vest the district with any duty of providing surface or storm water drainage.

**Sec. 2. P&SL 1951, c. 114, §7**, as amended by P&SL 1999, c. 17, §1, is further amended to read:

**Sec. 7. Trustees; how elected, tenure of office; organization of board; officers; vacancies; compensation; reports.** As soon as may be after the acceptance of this ~~aet~~ Act as hereinafter provided, the municipal officers of the ~~town~~ Town of Veazie shall appoint 3 trustees of said district, to hold office as follows respectively: 1 until 2 days after the annual town meeting in 1952, 1 until 2 days after the annual town meeting in 1953 and 1 until 2 days after the annual town meeting in 1954. At each annual meeting of the district, 1 trustee shall be elected ~~by the inhabitants of the district then and there present and voting by the registered voters in the Town of Veazie,~~ for a term of 3 years as successor to the trustee whose term expires that year. All trustees shall serve until their successors are appointed and qualified. No trustee shall be a ~~member of the board of selectmen~~ municipal officer, other municipal official or employee of said town the Town of Veazie. When any trustee ceases to be a resident of said district ~~he the trustee~~ vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of residence of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the ~~town~~ Town of Veazie in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The 1st meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a ~~chairman~~ chair, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such bylaws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. ~~Within 2 weeks after~~ At the next meeting of the board of trustees following each annual meeting of the district election, the trustees shall meet for the purpose of electing a ~~chairman~~ chair, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district. The trustees may also set a schedule for regular meetings.

Notwithstanding the Maine Revised Statutes, Title 38, section 1252, the trustees receive compensation as fixed by the board of trustees, except that the chair of the board of trustees may receive not more than \$500 per year and the other trustees may receive

not more than \$400 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond remains in the custody of the chair. The ~~treasurer's salary~~ trustees' salaries, ~~bond premium~~ premiums and all expenses of the district must be paid from funds of the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the ~~town~~ Town of Veazie), the trustees shall make a detailed report of their doings, of the financial condition of said district, of the physical condition of its property, and also of such other matters and things pertaining to said district as shall show ~~the inhabitants thereof~~ how said the trustees are fulfilling the duties and obligations of their trusts. Such report shall be made and filed with the municipal officers of the ~~town~~ Town of Veazie on or before March 1 of each year.

**Sec. 3. P&SL 1951, c. 114, §8**, as amended by P&SL 1999, c. 71, §§1 and 2 and affected by §3, is further amended to read:

**Sec. 8. How financed.** To procure funds for the purposes of this Act, and for such other expenses as may be necessary to carry out those purposes, the district, by its trustees, is authorized from time to time to borrow money and to issue its bonds and notes for the money, but shall not incur a total indebtedness exceeding the sum of \$2,000,000 at any one time outstanding, unless a higher debt limit is established pursuant to this section. Each bond and note shall have inscribed upon its face the words "Town of Veazie Sewer District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 30 years from the date of original issue thereof. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the ~~chairman~~ chair of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the ~~chairman~~ chair and treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof or any corporation or board authorized by the state or federal government to loan money or otherwise assist in the financing of such projects as this sewer district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this ~~act~~ Act.

In order to establish a higher debt limit for the district, the trustees shall propose a new debt limit for the district, which the trustees shall submit for approval in a ~~districtwide~~ townwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the secular day next preceding the election. The town clerk of the Town of Veazie shall prepare the required ballots with the following question:



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

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question. The results must be declared by the trustees and entered upon the 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 registered 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 district may increase its debt limit as often as approved pursuant to this section. The costs of referenda are borne by the district.

**Sec. 4. P&SL 1951, c. 114, §11, 3rd and 4th sentences** are amended to read:

In case of a failure on the part of the treasurer of the town to pay said sum, or in case of ~~his~~ the treasurer's failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied, the treasurer of said district may issue ~~his a~~ a warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot county, requiring ~~him~~ the sheriff to levy by distress and sale on real and personal property of ~~any of the inhabitants of said~~ within the district, and the sheriff or any of ~~his~~ the sheriff's deputies shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes ~~within said district~~.

**Sec. 5. P&SL 1951, c. 114, §12**, as amended by P&SL 1999, c. 17, §2, is further amended to read:

**Sec. 12. Election of trustees; meetings; qualification of voters of the district.** ~~The annual meeting of the district must be held in the district on the date and at the hour and place as may be designated by resolution of the board of trustees. Notice of the meeting, signed by the chair or clerk of the board, must be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting.~~ election of trustees must be held on the same date and time as the regular election of municipal officers of the Town of Veazie. The nomination and election of trustees must follow the same process as required for the municipal officers of the Town of Veazie. New trustees must be sworn in at the district's next meeting following the election. Regular meetings may be held as established by the board. Special meetings may be called by the board in like manner at any time, and notice of special meetings must state the business to be transacted at the special meeting. Eleven persons qualified to vote in these meetings constitute a quorum. Notice of any special meetings, signed by the chair or clerk of the board, must be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting.

Emergency meetings may be called by the board at any time in a manner consistent with the Maine Revised Statutes, Title 1, section 406.

~~All persons resident in said district and qualified to vote for governor under the laws of this state shall be the Town of Veazie~~ Recognizing that all residents of the Town of Veazie support the district by means of the district's assessment upon the Town of Veazie, all registered voters in said district are entitled to vote in any election or meeting of the district, including the a meeting for acceptance or amendment of this charter.

**Sec. 6. P&SL 1951, c. 114, §12-A** is enacted to read:

**Sec. 12-A. Trustee recall.** Any 5 registered voters of the Town of Veazie may begin at any time proceedings to recall a trustee by requesting in writing to the district clerk the appropriate petition blanks. These 5 registered voters are referred to as the recall committee. All papers of the petition must be uniform in size and style and must be assembled as one instrument for filing. The papers must contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the 5 registered voters or name of the recall committee.

The recall committee has 30 days from the acceptance date of the request by the district clerk to have the petition signed by 25% of the registered voters of the Town of Veazie. The petition must be available only at the district clerk's office during normal business hours and must be signed by registered voters in the presence of the district clerk or the clerk's deputy. Each voter's signature must be followed by the voter's address.

Within 7 days after the petition circulation period ends, the district clerk shall certify to the board of trustees that the petition has been signed by not less than 25% of the registered voters of the Town of Veazie, that all signatures were affixed in the presence of the district clerk or the clerk's deputy, that the clerk believes the signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for the recall.

If fewer registered voters than required by this section sign the petition in the specified time, the petition has no further force or effect, and all proceedings thereon must be terminated and a subsequent request for recall may not be accepted by the district clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification, the board of trustees shall within 30 days hold an election for the purpose of submitting to a vote the question of recall.

Pending action by the voters of the Town of Veazie, a trustee against whom recall proceedings have been initiated may continue to exercise all the privileges of that trustee's office.

The ballot for recall must contain the following question: "Shall (name of trustee being subjected to recall) be recalled from the Board of Trustees of the Veazie Sewer District?" Immediately below the question must appear in the following order the words "Yes" and "No" and to the right of each a square in which the voter may place a cross or check mark to cast a vote.

A trustee is recalled when a majority of those voting thereon have voted in the affirmative. The unexpired portion of the term of a trustee who has been recalled must be filled by the municipal officers of the Town of Veazie in accordance with section 7.

**Sec. 7. P&SL 1951, c. 114, §13, first sentence,** as amended by P&SL 1979, c. 86, §5 and affected by §6, is further amended to read:

The registrar of voters shall prepare and submit to the trustees a correct list of persons qualified to vote in ~~the~~ district elections and for that purpose may use the list as compiled by the registrar of voters of the legal voters in the Town of Veazie.

**Sec. 8. Election of trustees; transition.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 2528, subsection 4, for the first election of trustees held following the effective date of this Act, the board of trustees of the Veazie Sewer District may set the date by which nomination papers must be made available to prospective candidates and the date by which completed nomination papers must be filed.

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

## Chapter 114

### AN ACT to Create the Veazie Sewer District

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

**Sec. 1. Incorporation.** The territory at the town of Veazie and the inhabitants within the same, excepting the area in the most northwesterly corner of the town which is bounded by the Veazie-Bangor town line, the southeasterly line of Stillwater Avenue, the Veazie-Orono town line and a line extending from the intersection of the northeasterly line of Chase road, so-called, with said Veazie-Bangor town line to said Veazie-Orono town line, and being parallel with said southeasterly line of said Stillwater Avenue, shall constitute a body politic and corporate under the name of the "Veazie Sewer District." The purpose of the district shall be to take over, control, manage and operate the sanitary sewers now owned by the Town of Veazie with all appurtenances thereto; to extend, increase, enlarge and improve the drains and sewers; to extend the present system or systems so as to furnish sewerage facilities to portions of the town not now served with such facilities; to provide for removal of sewage; to discharge sewage into the Penobscot River at points most reasonable and convenient for said district; to provide for treatment of sewage in whole or in part before discharging it into said river when, as and if such treatment becomes necessary; and generally to provide a system of sanitary sewerage drainage for public purposes and for the health, comfort and convenience of the inhabitants of the district; providing that nothing contained herein shall be construed so as to vest the district with any duty of providing surface or storm water drainage.

**Sec. 2 Authority to acquire and hold property; right of eminent domain conferred.** Upon acceptance of this act as hereinafter provided, title to all public drains and sewers in the town of Veazie shall pass to and best in said district, and said district shall maintain and operate same. The purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of the district, the district is authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid, and to sell, transfer or otherwise convey the real and personal estate, subject to all duties and obligations of the Town of Veazie with respect thereto, which duties and obligations are to be assumed by the district. The district is hereby authorized to take and hold by purchase, lease or the exercise of the right of eminent domain, as hereinafter provided, or otherwise, any land or real estate or easement therein necessary for forming basins, reservoirs and outlets; for erection of buildings for pumping works and sewage treatment and for laying pipes and maintaining same and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewage matter and rain water and for other objects necessary, convenient and proper for the purpose of this act, and all of such property, wherever located, shall be exempt from taxation. Provided, however, nothing herein contained shall be construed as authorizing said sewer district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the legislature.

**Sec. 3 Procedure in exercise of right of eminent domain.** The trustees hereinafter provided for said district may exercise the right of eminent domain vested in said district for the purposes of this act after hearing, notice of the time and place of the said hearing having been

given by publication in any daily newspaper published in Penobscot county once a week for 2 weeks previous to the time appointed for said hearing; and the clerk of said district shall keep a record of their proceedings, and their determination and decision, which shall set forth a descriptions of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor. Upon the signing of said record of said trustees and the filing of the same in the registry of deeds for the county of Penobscot, said trustees may enter upon such land and take possession of the same or an easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said trustees, as it related to the damages for land or easements herein so taken, shall have the same rights of appeal as are provided in the case of the laying out of town ways.

**Sec. 4. Right to lay pipes and other particular rights enumerated.** Said district may lay pipes and construct conduits in manner aforesaid, in and through said district and convey through the same sewage, surface water and the natural flowage of existing water courses, and secure and maintain basins, reservoirs and outlets; may build and maintain pumping stations and buildings convenient for same; may construct and maintain treatment plants, flush tanks, manholes, storm water inlets and such usual appliances for collecting, holding, distributing and disposing of sewage and storm water; may supply water for such flush tanks and for flushing said system of sewers and for any other purposes for which said district may deem the same desirable, and install all pipes and necessary structures and appliances to this end; may establish through and by its trustees regulations for the use of sewers and fix and collect the prices to be paid for entering same, and also the service charges for the use thereof; may enter into contract with persons, corporation and municipalities outside the boundaries of the district to care for sewage or drainage through the district's system; and said district is hereby authorized, for the purposes aforesaid, to lay down, in and through the streets, highways and land of said district, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary or desirable for the objects of its incorporation to carry and lay conduits and pipes under any water course, way, public or private, or railroad, in the manner prescribed herein and to cross any water pipe, gas pipe, electric conduit, drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct its use by the construction of any of the works of said district, either during such construction or after the same has been completed, or while the same shall be undergoing repairs or extensions are being made, and said district shall be liable to the town of Veazie, public utilities and private persons for any and all costs, damages and expenses which each may suffer or be put to by reason of the default, neglect, negligence or carelessness of said district or any of its officers, servants or agents in creating, maintaining, repairing or extending said sewerage system. The trustees of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the town of Veazie. In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility, but at the expense of the district.

**Sec. 5. Rights 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 of pipes and conduits, to enter the same



with all proper sewerage, upon conformity to the rules and regulations of the district and payment of the rates and assessments established therefor.

**Sec. 6. Offenses and penalties.** Any person who shall place or leave any offensive or injurious matter or material on or in the conduits, catch-basins or receptacles of the district contrary to its regulations, or shall willfully injure 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 such person, on conviction of either of the acts of willful injury aforesaid, shall be punished by a fine not exceeding \$200 and by imprisonment not exceeding 1 year.

**Sec. 7. Trustees; how elected; tenure of office; organization of board; officers; vacancies; compensation; reports.** As soon as may be after the acceptance of this act as hereinafter provided, the municipal officers of the town of Veazie shall appoint 3 trustees of said district, to hold office as follows respectively: 1 until 2 days after the annual town meeting in 1952, 1 until 2 days after the annual town meeting in 1953 and 1 until 2 days after the annual town meeting in 1954. The trustees shall serve without compensation, except that the treasurer may receive for his services an amount to be fixed by the board of trustees. No trustee shall be a member of the board of selectmen of said town of Veazie. When any trustee ceases to be a resident of said district he vacates the office of trustee. Any vacancy upon the board of trustees occurring because of change of resident of trustee, resignation, death or any cause except normal expiration of term of office shall be filled by the municipal officers of the town of Veazie in the same manner in which the original board was appointed and for the unexpired portion of the term of the vacant office. All trustees shall be eligible for reelection or reappointment.

The 1st meeting of the board of trustees shall be held as soon as convenient after they have been appointed as above provided. At this original meeting, they shall elect from their membership a chairman, a clerk and a treasurer, shall adopt a corporate seal, may ordain and establish such by-laws consistent with the laws of the state as are necessary for their own convenience and the proper management of the affairs of said district, and may do all other acts, matters and things necessary to perfect their organization. Within 2 weeks after each annual meeting of the district, the trustees shall meet for the purpose of electing a chairman, clerk and treasurer for the ensuing year and until their successors are elected and qualified. The trustees shall have the right and authority to employ and fix compensation of such officers and agents as they may deem necessary for the proper conduct and management of the affairs of the district.

Notwithstanding the Maine Revised Statutes, Title 38, section 1252, the trustees receive compensation as fixed by the board of trustees, except that the chair of the board of trustees may receive not more than \$500 per year and the other trustees may not receive more than \$400 per year. The treasurer shall give bond to the district in such sum and with such sureties as the trustees may determine, which bond remains in the custody of the chair. The treasurer's salary, bond premium and all expenses of the district must be paid from funds of the district.

At the close of each fiscal year of said district (which shall coincide with the fiscal year of the town of Veazie), the trustees shall make a detailed report of their doings, of the financial condition of the said district, of the physical condition of its property, and also of such other

matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trusts. Such report shall be made and filed with the municipal officers of the town of Veazie on or before March 1 of each year.

**Sec. 8. How financed.** To procure funds for the purposes of this Act, and for such other expenses as may be necessary to carry out those purposes, the district, by its trustees, is authorized from time to time to borrow money and to issue its bonds and notes, but may not incur a total indebtedness exceeding the sum of \$2,000,000 at any one time outstanding, unless a higher debt limit is established pursuant to this section. Each bond and note shall have inscribed upon its face the words "Town of Veazie Sewer District," shall bear interest at such rates as the trustees shall determine, payable semiannually, and shall be subject to such other provisions as the trustees shall determine. Said bonds and notes may be issued to mature serially or made to run for such periods as said trustees may determine, but none of which shall run for a longer period than 30 years from the date of original issue thereof. All bonds and notes issued by said district shall be signed by the treasurer and countersigned by the chairman of said district, and if coupon bonds be issued, each coupon shall be attested by the facsimile signatures of the chairman and treasurer printed thereon. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes of 1944, and all the provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks. The said district is hereby authorized and empowered to enter into such an agreement with the state or federal government, or any agency thereof or any corporation or board authorized by the state or federal government to loan money or otherwise assist in the financing of such 6 projects as this sewer district is authorized to carryout, as may be necessary or desirable to accomplish the purposes of this act.

In order to establish a higher debt limit for the district, the trustees shall propose a new debt limit for the district, which the trustees shall submit for approval in a districtwide referendum. The referendum must be called, advertised, and conducted according to the law relating to municipal election, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the secular day ext preceding the election. The town clerk of the Town of Veazie shall prepare the required ballots with the following question:

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

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question. The results must be declared by the trustees and entered upon the 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 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 district may increase its debt limit as often as approved pursuant to this section. The costs of referenda are borne by the district.

**Sec. 9. Sinking fund; refunding bonds provided for.** In case any bonds or notes at any time issued are made to run for a period of years (as distinguished from serial maturity), the trustees shall establish a sinking fund for such bonds or notes for the purpose of redeeming the same when they become due. The amount to be paid annually into such sinking fund shall be not less than 3 1/3% of the total principal amount of such bonds or notes originally issued. In addition to such annual sinking fund payment, the trustees shall have authority from time to time to add to any such sinking fund any funds of said district not required for other purposes. Funds in any sinking fund may be deposited in any savings bank within the state or may be invested in whole or in part in any bonds of the United States, of the state of Maine, or of any political subdivision thereof, as the trustees may determine. Interest received on any funds so invested shall be added to the sinking fund. When and if the amount accumulated in any sinking fund, together with interest received or to be received thereon, shall be sufficient to pay at maturity or, at the option of the trustees, to redeem the bonds or notes for the benefit of which such sinking fund was established, all further payments to such sinking fund shall cease.

Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchases or redeemed, and canceled, be reissued.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds or notes for which such sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is hereby granted to said district to issue new bonds or notes sufficient in amount to pay or redeem so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 30 years from the original date of issue of the original bonds or notes so refunded.

**Sec. 10. Revised statutes of 1944 made applicable; trustees and other officers to have same powers as municipal officers; other powers of trustees.** In respect to the manner of constructing drains and sewers in said district, the assessment of abutting owners for the cost of the same and the collection of said assessments, the issuing of permits and in respect to all other matters covered by the sections herein referred to, the trustees of said district shall be governed by the provisions of sections 136 and 137 of chapter 84 of the revised statutes of 1944 and all acts amendatory thereof, and the district is hereby granted the same power and authority in said premises as have the municipal officers of cities and towns in like cases, and the words "town clerk" in said sections shall be construed to mean the clerk of said district, and the inhabitants of said district shall have the same rights and privileges and be subject to the same regulations and restrictions, as are now granted to and imposed upon individuals under said sections. In the application of said sections 136 and 137, the trustees of the said district shall perform all the acts and duties and be subject to all responsibilities of municipal officers, as is provided by said

sections. Said trustees shall have the power to determine when and where in said district sewerage facilities are most needed, and how said 7 sewers shall be built; where, when and what repairs, renewals and extensions are necessary, and how the same shall be built, and their decision in such manners, except as is otherwise provided in the sections above referred to, shall be final. It is provided, however, that the municipal officers of said town may make written recommendation to the trustees of said district regarding sewerage necessities in said district.

**Sec. 11. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the "Town of Veazie Sewer District" shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this act shall be issued to mature serially, what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district after the application of all funds received from assessments as provided for in section 10 above, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the town of Veazie, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the constable or collector of said town of Veazie, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of said town shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurer of the town to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December of the year in which said tax is levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and the sheriff or any of his deputies shall execute said warrant, except as is otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**Sec. 12. Annual meeting, day after 3rd Monday in March; qualification of voters of district.** The annual meeting of the district must be held in the district on the date and at the hour and place as may be designated by resolution of the board of trustees. Notice of the meeting, signed by the chair or clerk of the board, must be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting. Special meetings may be called by the board in like manner at any time, and notice of special meetings must state the business to be transacted at the special meeting. Eleven persons qualified to vote in these meetings constitute a quorum.

All persons resident in said district and qualified to vote for governor under the laws of this state shall be entitled to vote in any meeting of the district, including the meeting for acceptance of this charter.

**Sec. 13. Trustees granted certain powers of selectmen.** The registrar of voters shall prepare and submit to the trustees a correct list of persons qualified to vote in the district and for that purpose may use the lists as compiled by the registrar of voters of the legal voters in the

Town of Veazie. The registrar of voters shall be in session for this purpose between the hours of 8 a.m. and 4 p.m. on the day prior to and the day of any election of the sewer district; and notice thereof shall be given in the call for the election. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

**Sec. 14. Existing statutes not affected; rights conferred subject to provisions of law.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944 and all acts amendatory thereof or additional thereto.

**Sec. 15. Referendum; procedure of election; form of question; certificate to secretary of state.** This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters within said district, voting by ballot at an election to be specially called and held for the purpose within 6 days of the effective date of this act.

The board of selectmen of the town of Veazie shall call said election, to be held upon a date to be specified in writing by them. Said board of selectmen shall make and provide a separate check list for such of the voters within said district as are then legal voters therein, and all warrants issued to said district shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such election shall be called, advertised and conducted according to the law relating to municipal elections; providing, however, that the selectmen shall not be required to prepare nor the town clerk to post a new check list of voters, and for this purpose said board shall be in session in 2 secular days next preceding such election, the 1st day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Veazie Sewer District be accepted?" and the voters shall indicate by depositing a ballot in the ballot box with the word "yes" or "no" on the same, their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting in said election; provided that the total number of votes cast for and against acceptance of this act equals or exceeds 20% of the number of voters on said check list. The result shall be declared in open meeting and due certificate thereof filed by the town clerk with the secretary of state. Twenty per cent of the qualified voters of said district shall constitute a quorum for the purposes of this election, but a less number may adjourn from time to time not exceeding 7 days at one time.

**Sec. 16. Rates.** All persons and all corporations, private, public and municipal, shall pay to the treasurer of the district rates established by the board of trustees for the services used or available to them, which rates shall be uniform within the district and, notwithstanding any other provision of this Act, may include rates for the district's readiness to serve charged against owners of land abutting on or accessible to sewers or drains of the district, but not actually connected to them and shall be so established as to provide revenue for the following purposes:

1. Current expenses. To pay the current expenses for operating and maintaining the sewerage system;
  2. Interest. To provide for the payment of the interest on the indebtedness of the district;
- and
3. Sinking fund. To provide each year a sum, in the amount prescribe by section 9, which sum shall be paid into any sinking fund established pursuant to section 9.

**Sec. 17. Lien for payment of rates.** There shall be a lien to secure the payment of rates and other lawful charges established under section 16 and legally assessed on real estate served or benefited by the sewers of the district, which shall take precedence over all other claims on the real estate, excepting only claims for taxes.

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 16 and those charges shall be committed to the treasurer. The treasurer may sue, after demand for payment, in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction." In addition to other methods established by law for the collection of rates, tolls, rents and other charges and without waiver of the right to sue for 22 those charges, the lien created in this section may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to the treasurer for collection, may, after the expiration of 3 months and within one year after the date when the rate, toll, rent or other charge became due and payable, give to the owner of the real estate served, or leave at the last and usual place of abode, or send by certified mail, return receipt requested, to owner's last known address, a notice in writing Signed by the treasurer or bearing the treasurer's facsimile signature, stating the amount of that rate, toll, rent or other charge, 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 rate, toll, rent or other charge and demanding the payment of the rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice, together with the certified mail, return receipt requested fee. The notice shall contain a statement that the district is willing to arrange installment payments of the outstanding debt for the purpose of this section, a mobile home is defined as real estate. After the expiration of a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of Penobscot County a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or other charge and that a notice and demand for payment of that charge has been given or made in accordance with this section and stating further that the rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy 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.

The filing of the certificate in the registry of deeds shall create a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except piens, attachments and claims for taxes and shall give to the district all the rights usually possessed by mortgages, except that the district as

mortgage shall not have any right to possession of the real estate until the right of redemption provided for shall have expired. If the mortgage, together with interest and costs, has not been paid within 18 months after the date of filing of th certificate in the registry of deeds, as provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage provided for. In the event that the rate, toll, rent or other charge, with interest and costs, has been paid within the period of redemption provided for, the treasurer of the district shall discharge of real estate mortgages.

The costs to be paid by the owner of the real estate served shall be the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, subsection 12, plus \$13, plus all certified mail, return receipt requested, fees.

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