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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 464, L.D. 1483, Bill, “An Act To Amend the Sanford Sewerage District”

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Charter of the Sanford Sewerage District'

Amend the bill in Part A in section 2 in section 2 in the first 3 lines (page 1, lines 19 to 21 in L.D.) by striking out the following: "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"

Amend the bill in Part A in section 2 in section 2 in the 11th line (page 1, line 29 in L.D.) by inserting after the following: "1106," the following: '1159, 1160,'

Amend the bill in Part A in section 2 in section 2 by striking out all of subsection 1 and inserting the following:

1. Other applicable laws. The district is subject to all the provisions of the Maine Revised Statutes, Title 38, section 1252.'

Amend the bill in Part A by striking out all of sections 3, 4, 5 and 6 and inserting the following:

'Sec. A-3. P&SL 1947, c. 169, §3 is repealed and the following enacted in its place:

Sec. 3. Liability. 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.'

Amend the bill in Part A in section 7 in section 6 by striking out all of the last paragraph (page 3, lines 28 to 35 in L.D.)

Amend the bill in Part A by striking out all of section 9 and inserting the following:

COMMITTEE AMENDMENT

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2 repealed and the following enacted in its place:

3 **Sec. 7. May hold property.** The district is authorized and empowered to accept,
4 by action of its trustees, from the inhabitants of the Town of Sanford, and the Town of
5 Sanford is authorized to convey, by deed signed by a majority of the town council of the
6 Town of Sanford, duly authorized by the inhabitants of the Town of Sanford, to the
7 district all right, title and interest that the town may have in and to the drains and sewers
8 located within the limits of the district on the effective date of Private and Special Law
9 1947, chapter 169, but any amount on that date owed by the Town of Sanford upon the
10 sewers and drains, or any interest due on any amounts owed, must be paid by the Town of
11 Sanford, and any assessments or amounts due the Town of Sanford, by reason or on
12 account of any sewer or drain built by the Town of Sanford, must be paid to the Town of
13 Sanford.'

14 Amend the bill in Part A by striking out all of section 11.

15 Amend the bill in Part A in section 18 by striking out all of section 12 and inserting
16 the following:

17 **Sec. 12. Rates.** All individuals, firms and corporations, whether public, private or
18 municipal, shall pay to the treasurer of the district rates pursuant to the Maine Revised
19 Statutes, Title 38, section 1202. The district may assess a readiness-to-serve charge
20 pursuant to Title 38, section 1202 but only against owners or persons in possession or
21 against whom the taxes are assessed of all buildings or premises intended for human
22 habitation or occupancy, whether the same are occupied or not, that abut on a street or
23 location through which the district has constructed a sewer line, or the building of which
24 is within 200 feet of a sewer line constructed by the district, although the premises are not
25 actually connected to the sewer line.'

26 Amend the bill in Part A by striking out all of section 19 and inserting the following:

27 **Sec. A-19. P&SL 1947, c. 169, §13-E**, as enacted by P&SL 1957, c. 153, §5-D,
28 is repealed and the following enacted in its place:

29 **Sec. 13-E. Town council review.** Prior to proposing any amendment to this
30 charter to the Legislature, the trustees shall present the amendment to the town council of
31 the Town of Sanford for review and comment.'

32 Amend the bill in Part A by adding after section 20 the following:

33 **Sec. A-21. P&SL 1947, c. 169, §13-G**, as enacted by P&SL 1977, c. 90, §18, is
34 repealed.

35 **Sec. A-22. P&SL 1947, c. 169, §13-H**, as enacted by P&SL 1977, c. 90, §18, is
36 repealed.'

37 Amend the bill in Part B by striking out all of section 1 and inserting the following:

38 **Sec. B-1. Trustees; transition.** The trustee of the Sanford Sewerage District in
39 office on the effective date of this Act whose term ends in 2011 may continue in office
40 until the next Town of Sanford municipal election after the effective date of this Act. At
41 that election, the trustee who succeeds the trustee whose term ends in 2011 is elected to a

1 3-year term, and the 2 new trustees established in this Act are elected as follows: one
2 must be elected to a 2-year term and one to a 3-year term. When the term of office of a
3 trustee expires, that trustee’s successor is elected in accordance with this Act.'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
5 section number to read consecutively.

6 **SUMMARY**

7 This amendment makes certain technical changes to the bill to make the charter of the
8 Sanford Sewerage District consistent with applicable provisions of the Maine Revised
9 Statutes, Title 38. The amendment provides that, prior to proposing any amendment to
10 the charter to the Legislature, the trustees must present the amendment to the town
11 council of the Town of Sanford for review and comment. It also replaces the provision in
12 the bill that establishes the election to staggered terms of the trustees of the district to
13 remove the number of votes the trustees receive as the factor that determines the terms of
14 office.