

§1033. Scope and application

The provisions of this chapter apply as follows. [PL 2013, c. 555, §6 (NEW).]

1. Applicable to all sewer districts. Except as otherwise provided in the statutory provisions listed in this subsection or in subsection 6, the following provisions are incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with the following provisions is void.

- A. Section 1036, subsection 7; [PL 2013, c. 555, §6 (NEW).]
 - B. Section 1037; [PL 2013, c. 555, §6 (NEW).]
 - C. Section 1040; [PL 2013, c. 555, §6 (NEW).]
 - D. Section 1042; [PL 2013, c. 555, §6 (NEW).]
 - E. Section 1045; [PL 2013, c. 555, §6 (NEW).]
 - F. Section 1046, subsection 1 and subsection 4; [PL 2013, c. 555, §6 (NEW).]
 - G. Section 1048, subsection 1, paragraph B and subsection 5; [PL 2017, c. 151, §1 (AMD).]
 - H. Section 1050; and [PL 2017, c. 151, §1 (AMD).]
 - I. Section 1051. [PL 2017, c. 151, §2 (NEW).]
- [PL 2017, c. 151, §§1, 2 (AMD).]

2. Mandatory provisions from former chapter 12. The following provisions apply to all sewer districts:

- A. Section 1038; [PL 2013, c. 555, §6 (NEW).]
 - B. Section 1049; [PL 2013, c. 555, §6 (NEW).]
 - C. [PL 2017, c. 151, §3 (RP).]
 - D. Section 1054; and [PL 2013, c. 555, §6 (NEW).]
 - E. Section 1055. [PL 2013, c. 555, §6 (NEW).]
- [PL 2017, c. 151, §3 (AMD).]

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.

[PL 2013, c. 555, §6 (NEW).]

4. Mandatory provisions. Provisions governing the following aspects of a standard district are not included in this chapter and must be otherwise specified in a standard district charter:

- A. The corporate name of the standard district; [PL 2013, c. 555, §6 (NEW).]
- B. The territorial limits of the standard district; [PL 2013, c. 555, §6 (NEW).]
- C. The number of trustees of the standard district, which in accordance with section 1036 may not be less than 3; [PL 2013, c. 555, §6 (NEW).]
- D. The appointing authority responsible for appointing or the method of electing the first board of trustees; [PL 2013, c. 555, §6 (NEW).]
- 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; [PL 2013, c. 555, §6 (NEW).]

F. Whether the trustees, subsequent to the first board, are appointed or elected; and [PL 2013, c. 555, §6 (NEW).]

G. The procedures for the local referendum on the creation of the standard district. [PL 2013, c. 555, §6 (NEW).]

[PL 2013, c. 555, §6 (NEW).]

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

A. Special qualifications of trustees; [PL 2013, c. 555, §6 (NEW).]

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; [PL 2013, c. 555, §6 (NEW).]

C. Additional purposes and powers of the standard district, such as authority to buy out an existing sewer company or to provide water or other utility services; [PL 2013, c. 555, §6 (NEW).]

D. Areas outside the standard district's territory in which the standard district is authorized to provide sewer services or accept sewage or septage; [PL 2013, c. 555, §6 (NEW).]

E. Areas outside the standard district's territory in which the standard district is authorized to locate facilities; [PL 2013, c. 555, §6 (NEW).]

F. Notwithstanding section 1053, a specific debt limit; [PL 2013, c. 555, §6 (NEW).]

G. Towns with which the standard district is authorized to contract to provide sewer service; and [PL 2013, c. 555, §6 (NEW).]

H. Any other provisions or duties necessary to accomplish the legislative purposes for creating the standard district. [PL 2013, c. 555, §6 (NEW).]

[PL 2013, c. 555, §6 (NEW).]

6. Limited sewer districts; exception. Except as otherwise 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. 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 sewer district owns the collection facilities used under the contract, the sewer district is subject to the requirements of section 1042.

[PL 2013, c. 555, §6 (NEW).]

7. Guidelines for modified charters. As determined appropriate by the Legislature, a standard district charter may include provisions that differ from the provisions in this chapter.

[PL 2013, c. 555, §6 (NEW).]

SECTION HISTORY

PL 2013, c. 555, §6 (NEW). PL 2017, c. 151, §§1-3 (AMD).

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