

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

S.P. 499 - L.D. 1561

An Act To Create the Nickerson Lake 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, in order to protect the water quality of Nickerson Lake, a sewer district must be immediately established; 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. Territorial limits; corporate name; purpose. The territory of the Town of New Limerick and the Town of Linneus described as follows: Beginning at a point on the north shore of Nickerson Lake and the southeast corner of Lot 30 of the Town of New Limerick tax map #13, latitude 46° 5' 46.45" N, longitude 67° 54' 48.99" W, presently owned by Travis Kearney; thence at a bearing of 51 degrees to a point on the southwest line of Lot 4 of the Town of New Limerick tax map #6, latitude 46° 5' 48.22" N, longitude 67° 54' 45.68" W, presently owned by Richard Mitchell; thence along the southwest and south property lines of said Mitchell property to the intersection of the Crescent Park Road and Aspen Lane, latitude 46° 5' 42.35" N, longitude 67° 54' 33.18" W; thence along the centerline of Aspen Lane to the point at which it crosses the outflow of Nickerson Lake, latitude 46° 5' 26.48" N, longitude 67° 54' 27.37" W; thence along the centerline of said outflow to the east shore of Nickerson Lake in the Town of Linneus; thence along the north shore of Nickerson Lake to the point of beginning; and its inhabitants constitute a body politic and corporate under the name of Nickerson Lake Sewer District, referred to in this Act as "the district," for the purpose of providing wastewater treatment services, including subsurface wastewater collection, treatment and disposal services.

Sec. 2. Powers as sewer district. The district may construct, manage, operate and maintain wastewater treatment facilities, including one or more subsurface disposal systems. It may contract for necessary and appropriate services, including, but not limited

to, pumping, treating and disposal services, and do any or all other things necessary or incidental to accomplish the purposes of this Act.

Except as otherwise expressly provided in this Act, the district, for the purposes of supplying the Town of Linneus and the Town of New Limerick and their inhabitants and others within the territory of the district with sewer services, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a sanitary district formed under the Maine Revised Statutes, Title 38, chapter 11, except that sections 1061, 1062, 1063, 1101, 1101-A, 1102 and 1103; section 1104, subsection 1; and sections 1105, 1106 and 1151-A do not apply to the district and any notice of impending automatic foreclosure issued by the district pursuant to section 1208 must bear the name "Nickerson Lake Sewer District" in all appropriate locations. The provisions of Title 38, section 1252 apply to the district. Within the territory of the district and in areas outside the territory of the district located within the Town of Linneus or the Town of New Limerick, the district may exercise the powers specified under Title 38, section 1151 and locate one or more septic fields.

Sec. 3. Trustees. The board of trustees of the district is composed of 5 trustees. Two trustees are appointed by the municipal officers of the Town of Linneus, one of whom must be a resident of the Town of Linneus and one of whom must be a resident of the district. Two trustees are appointed by the municipal officers of the Town of New Limerick, one of whom must be a resident of the Town of New Limerick and one of whom must be a resident of the district. The 5th trustee must be appointed by the municipal officers of the Town of Linneus and the Town of New Limerick and must be a resident of either town.

A quorum of the board of trustees is 3 trustees and a quorum may conduct the affairs of the district even if there is a vacancy on the board. All trustees serve until their successors are appointed and qualified. A trustee who ceases to qualify for the office of trustee shall vacate the office of trustee.

The trustees shall organize by election from their own members a chair, a vice-chair, a treasurer and a clerk and choose and employ and fix the compensation of such other necessary officers and agents who serve at their pleasure, and the trustees shall adopt a corporate seal. Prior to the election of said officers each trustee must be sworn to the faithful performance of the trustee's duties.

The trustees may from time to time adopt, establish and amend bylaws consistent with the laws of the State, and necessary for their own convenience and the proper management of the affairs of the district and perform any other acts within the powers delegated to them by law.

After the original organizational meeting the trustees shall meet annually at a time determined by their bylaws for the purpose of electing from among their own members a chair, vice-chair, treasurer and clerk to serve until the next annual election and until their successors are elected and qualified. The treasurer shall furnish bond in such sum and with such sureties as the trustees approve, the cost of the bond to be paid by the district. The chair, vice-chair, treasurer and clerk may receive such compensation for serving in these capacities as the trustees determine. This compensation is in addition to the

compensation payable to them as trustees. The trustees shall make and publish an annual report including a report of the treasurer.

The trustees receive compensation as recommended by them and approved by majority vote of the municipal officers of both the Town of Linneus and the Town of New Limerick, 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 is on the basis of such specific amount as may be specified in the bylaws, each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed such specific amount as may be specified in the bylaws.

A member of the board of trustees may not be employed for compensation as an employee or in any other capacity by the district.

Sec. 4. First board. The first board of trustees of the district is appointed by the municipal officers of both the Town of Linneus and the Town of New Limerick. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410, subsection 4.

Sec. 5. Terms of trustees; vacancies. After the appointment of the first board of trustees of the district, trustees are appointed to 3-year terms. Vacancies must be filled by municipal appointment for 3-year terms.

Sec. 6. Town responsibility. Except for the appointment of the first board of trustees and the initial referendum, the Town of Linneus and the Town of New Limerick are not responsible for any acts of the district.

Sec. 7. Emergency clause; referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at a referendum called for that purpose and held after July 1, 2011 but within 2 years after the effective date of this Act. The referendum must be called by the municipal officers of the respective towns and must be held at the regular voting places. The referendum must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the proposed district as described in this Act. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session the regular workday preceding the referendum. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Nickerson Lake Sewer District?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Linneus and the Town of New Limerick and due certificate of the results filed by the clerks with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters of each town voting at the referendum. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years after the effective date of this Act.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor