

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1696**

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S. P. 657

Office of the Secretary of the Senate

The Committee on Public Utilities suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Minkowsky of Androscoggin

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority.**

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

Whereas, the Lewiston-Auburn Water Pollution Control Authority is in the process of operating and financing public sewage treatment facilities for the cities of Lewiston and Auburn; and

Whereas, the voters of Lewiston have recently adopted a new municipal charter; and

Whereas, the Lewiston Board of Public Works will no longer exist after January 7, 1980; and

Whereas, municipal policy direction shall not, after January 7, 1980, be vested in the Controller of the City of Lewiston; and

Whereas, the requirement that the administrative officer be an engineer skilled in sanitary engineering practices may be in violation of equal employment opportunity laws; and

Whereas, these inconsistencies may inhibit the effective management of the authority and also create doubt as to whether the Maine Municipal Bond Bank

may purchase bonds of authority; and

Whereas, financial hardship of the authority may arise unless its status is clarified; 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 P&SL 1967, c. 92, § 14, first 2 ¶¶**, as repealed and replaced by PL 1975, c. 50, § 2, are amended to read:

The authority shall be under the management and direction of a board of directors, which shall be known as the Lewiston-Auburn Water Pollution Control Board, also referred to herein as "the board" or "the board of the authority." The board shall consist of 7 members. The director of the Lewiston Department of Public Works, the ~~Controller~~ **City Administrator** of the City of Lewiston, the superintendent and the president of the Auburn Sewerage District and the Manager of the City of Auburn shall be members of the board by virtue of their respective offices and in the event of the termination of their respective offices they shall continue as members of the board of the authority until their replacements are elected or appointed. If the president of the Auburn Sewerage District Trustees should decline to serve or should resign as a member of the board of the authority, he shall select another trustee to replace him for the remainder of his term. Notice of such appointment shall be given in writing by the clerk of the Auburn Sewerage District to the board of the authority. ~~The members of the Lewiston board of public works shall elect one of their number~~ **Mayor of Lewiston shall appoint, subject to confirmation of the city council, a qualified voter of the City of Lewiston** to serve for a 2-year term on the board of the authority and thereafter until his successor takes office. In the event that either the member of the board so selected or the appointee of the president of the Auburn Sewerage District should cease to be a resident of his respective city, or should die, become incapacitated, or otherwise cease to be a member of ~~the Lewiston Board of public works or the Auburn Sewerage District Trustees~~, or if the president of the Auburn Sewerage District should die or become incapacitated while serving on the board of the authority, a successor shall be elected to serve out the remainder of his term by the ~~Lewiston board of public works~~ **Mayor and City Council of Lewiston** or the Auburn Sewerage District Trustees, as the case may be.

Reasonable notice of the date of the meeting and of the necessity of electing a new member of the board of the authority, who may be the incumbent, shall be given to the ~~board of public works~~ **mayor** by the secretary or clerk of the authority.

**Sec. 2. P&SL 1967, c. 92, § 15, first ¶** is repealed and the following enacted in its place:

**The board shall appoint and determine the compensation of an engineer-director who shall be the administrative officer and direct the engineering work of the authority. The board shall also have the power to remove the engineer-director at its pleasure. The engineer-director shall be skilled in sanitary engineering practice and registered under the Maine Revised Statutes of 1964, Title 32, chapter 19, provided that any person may be appointed acting engineer-director and serve as such for a period of up to one year. In its discretion, the board may reappoint the acting engineer-director for additional one-year terms.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is stated in the emergency preamble.