

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 655

H.P. 485

House of Representatives, February 11, 2003

An Act To Revise the Charter of the Brunswick Sewer District

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: ADAMS of Portland, BLISS of South Portland, COURTNEY of Sanford,
KOFFMAN of Bar Harbor, RICHARDSON of Brunswick, RINES of Wiscasset, SUSLOVIC
of Portland, VAUGHAN of Durham.

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

4 **Sec. 1. P&SL 1947, c. 77, §2,** as enacted by P&SL 1981, c. 103,
is amended to read:

6 **Sec. 2. Brunswick Sewer District created.** The Brunswick Sewer
District, called "the district," is a quasi-municipal corporation
8 which that has been created for the purpose of providing and
maintaining, within the territorial limits of the district, a
10 sewer system for the collection, treatment and disposal of
sewage. The district is the sole nonmunicipal or nonfederal
12 entity responsible for domestic sewerage and commercial and
14 industrial waste within the territory of the Town of Brunswick,
and there may be no other sewer or sanitary district within the
16 boundaries of the town, regardless of the fact that the territory
of the district does not encompass the entire town. The district
18 shall have has all the rights, privileges and immunities incident
to similar corporations or necessary for the accomplishment of
20 its purpose. Nothing contained in this charter imposes on the
district the duty of providing or maintaining catch basins or
22 drainage of public ways. The property of the district is exempt
from taxation under the Maine Revised Statutes, Title 36, section
112.

24 **Sec. 2. P&SL 1947, c. 77, §11,** as enacted by P&SL 1981, c. 103,
26 is repealed and the following enacted in its place:

28 **Sec. 11. Territorial limits; expansion; voters.** The territory of
the district extends from the center of town as follows, to
30 include the entire area within the outer limits specified:

32 1. Territorial limits. Beginning at a point in the
Androscoggin River at the Topsham line, 2 1/2 miles easterly from
34 the location of the town hall as of January 1, 1981, thence
southerly to the intersection of Storer Road and Old Bath Road,
36 thence easterly to the intersection of new U.S. Route #1 and
Harding Road, thence southerly along the easterly side of Harding
38 Road to Bath Road, thence southwesterly to the intersection of
Thomas Point Road and Meadow Road (not including either side of
40 Adams Road), thence southwesterly to the intersection of Gurnet
Road and Board Road, thence southwesterly to Dyers Corner, thence
42 along the southerly side of Middle Bay Road to the intersection
of Middle Bay Road and Mere Point Road, thence northwesterly to
44 the intersection of Woodside Road and Pleasant Hill Road, thence
northwesterly to the intersection of U. S. Route #1 and Greenwood
46 Road, thence northwesterly to the intersection of Pleasant Street
and Interstate Route #95, thence northeasterly along the median
48 of Route #95 to the Androscoggin River, thence easterly along the

2 Brunswick-Topsham line in the center of the river to the point of
beginning.

4 2. Expanded growth area territorial limits.
6 Notwithstanding the Maine Revised Statutes, Title 38, section
8 1252, subsection 4, the territory of the district also includes
10 the growth area defined by the growth/rural area boundary on the
12 Town of Brunswick zoning map, as it existed on November 2, 1982
14 and as it may be amended from time to time, except that any part
16 of the growth area being served by the district or within the
metes and bounds description of subsection 1 remains within the
territory of the district, even if the area is subsequently
removed from the growth area by amendment of the Town Council of
the Town of Brunswick. Sewer extensions are made pursuant to
section 24.

18 3. Expanded health, safety and welfare territorial limits.
20 Notwithstanding the Maine Revised Statutes, Title 38, section
22 1252, subsection 4, the territory of the district may be expanded
24 by action of the Town Council of the Town of Brunswick to include
26 areas of existing development when it is determined by the local
28 plumbing inspector, appropriate Department of Human Services,
Division of Health Engineering official, appropriate Department
of Marine Resources official or other qualified governmental
official that a threat to the public health, safety or welfare
exists and where the sewer extension is determined to be the most
appropriate solution. Sewer extensions are made pursuant to
section 24.

30 4. Voters. All registered voters of the Town of Brunswick
32 who reside within the district are voters of the district for all
34 purposes. In determining whether a voter resides within the
district, if any part of that voter's residential property lies
within the district, that voter is considered to reside within
the district.

36 5. Council approval. Notwithstanding the Maine Revised
38 Statutes, Title 38, section 1252, subsection 7, prior to
40 authorizing any sewer extension, except by specific state or
42 federal mandate, the trustees shall acquire from the Town Council
44 of the Town of Brunswick written assurance that the sewer
46 extension is in conformity with the Town of Brunswick
48 Comprehensive Plan, Zoning Ordinance and other public policies
relating to growth and development. The trustees shall publish a
notice of the proposed action in a newspaper with general
circulation in the district no less than 7 days prior to the
meeting at which they will take final action on the authorization
of the extension.

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SUMMARY

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4 This bill extends the boundary limit of the Brunswick Sewer
6 District to include the growth area defined by the growth/rural
8 area boundary on the Town of Brunswick zoning map. The bill also
 amends the charter by requiring the trustees to acquire written
 assurance from the town council that any sewer extension is in
 conformity with the Town of Brunswick Comprehensive Plan, Zoning
 Ordinance.