

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 114

H.P. 79

House of Representatives, January 8, 2025

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: ABDI of Lewiston, LAJOIE of Lewiston, LEE of Auburn, MCCABE of
Lewiston, Senator: BICKFORD of Androscoggin.

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

2 **Sec. 1. P&SL 1967, c. 92, §1,** as amended by P&SL 2023, c. 3, §1, is further
3 amended to read:

4 **Sec. 1. Incorporation and purposes.** There is hereby created a nonprofit body
5 corporate and politic to be known as The Lewiston-Auburn Water Pollution Control
6 Authority, hereinafter called "the authority." The authority may also operate under the
7 assumed name of The Lewiston Auburn Clean Water Authority. The purposes of the
8 authority are to operate, maintain and improve a sewage treatment plant or plants and other
9 facilities necessarily incident thereto and to receive and treat and dispose of the wastewaters
10 discharged by the sewage systems of the City of Lewiston and the Auburn Sewerage
11 District. The authority has all such powers, rights, privileges and immunities as may be
12 necessary for the accomplishment of the aforesaid purposes, whether or not such powers
13 are hereinafter specifically given.

14 **Sec. 2. P&SL 1967, c. 92, §14, first ¶,** as amended by P&SL 2015, c. 8, §1, is
15 further amended to read:

16 **Sec. 14. ~~Lewiston-Auburn Water Pollution Control Board~~ of the authority.**
17 The authority is under the management and direction of a board of directors, which is
18 known as the Lewiston-Auburn Water Pollution Control Board, ~~also referred to as~~
19 hereinafter called "the board" or "the board of the authority." The board consists of 7
20 members. The director of the Lewiston Department of Public Works, the City
21 Administrator or acting City Administrator of the City of Lewiston or another employee of
22 the City of Lewiston designated by the City Administrator, the superintendent and the
23 president of the Auburn Sewerage District and the City Manager or acting City Manager
24 of the City of Auburn or another employee of the City of Auburn designated by the City
25 Manager are members of the board by virtue of their respective offices. If the president of
26 the Auburn Sewerage District Trustees declines to serve or resigns as a member of the
27 board of the authority, the president shall select, subject to confirmation by the Auburn
28 Sewerage District Trustees, another trustee or resident of Auburn to serve for the remainder
29 of the term. Notice of the appointment must be given in writing by the clerk of the Auburn
30 Sewerage District to the board of the authority. The Mayor of Lewiston shall appoint,
31 subject to confirmation of the city council, a qualified voter of the City of Lewiston to serve
32 for a 2-year term on the board of the authority and thereafter until a successor takes office.
33 In the event that either the Lewiston resident so selected or the appointee of the president
34 of the Auburn Sewerage District ceases to be a resident of that person's respective city, or
35 dies, becomes incapacitated, or otherwise ceases to be a member of the Auburn Sewerage
36 District Trustees, or if the president of the Auburn Sewerage District dies or becomes
37 incapacitated while serving on the board of the authority, a successor must be elected to
38 serve out the remainder of the term by the Mayor and City Council of Lewiston or the
39 Auburn Sewerage District Trustees, as the case may be.

40 **Sec. 3. P&SL 1967, c. 92, §17, last ¶,** as enacted by P&SL 1993, c. 28, §5, is
41 amended to read:

42 Notwithstanding other civil or criminal penalties provided by and imposed under
43 federal or state law, except penalties sought by the authority pursuant to Title 38, section
44 1252 1046, subsection 8 1, the ~~Lewiston-Auburn Water Pollution Control Board~~ board may

1 assess administrative penalties of not more than \$1,000 per day for each violation by an
2 industrial user of any pretreatment standard or requirement administered by the authority.
3 In assessing any penalties under this paragraph, the board must conduct its proceedings in
4 accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter
5 IV ~~4~~. A person aggrieved by any action by the board under this paragraph is entitled to
6 judicial review in the Superior Court in the manner provided in Title 5, chapter 375,
7 subchapter ~~VH~~ 7. The authority may by rule provide for assessment and collection of the
8 administrative penalties as well as procedures for notification to industrial users of the
9 penalties and enforcement of the administrative penalties ~~provided that~~ as long as these
10 rules are in accordance with the Maine Administrative Procedure Act as specified in this
11 paragraph. The authority may not seek civil monetary penalties under Title 38, section
12 ~~4252~~ 1046, subsection 8 1 if the board has assessed administrative penalties under this
13 section. Nothing in this paragraph prohibits the authority from seeking injunctive relief
14 pursuant to Title 38, section ~~4252~~ 1046, subsection 8 1 in addition to administrative
15 penalties imposed pursuant to this paragraph.

16 SUMMARY

17 This bill amends the charter of the Lewiston-Auburn Water Pollution Control
18 Authority to allow the authority to operate under the assumed name of the Lewiston Auburn
19 Clean Water Authority.