

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 689

H. P. 487

House of Representatives, January 24, 1963

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Berry of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Regulate Sewer Utilities.

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

Sec. 1. R. S., c. 44-A, additional. The Revised Statutes are amended by adding a new chapter 44-A, to read as follows:

Chapter 44-A.

Regulation of Sewer Utilities.

Sec. 1. Legislative declaration. The regulation of public utilities as defined in this chapter is declared to be in the public interest, and this chapter shall be deemed to be an exercise of the police power of the State for the protection of the public welfare and all the provisions of this chapter shall be liberally construed for the accomplishment of that purpose, provided that no existing franchise shall be impaired thereby.

Sec. 2. Definitions. As used in this chapter the following words and terms shall have the following meanings:

I. Commission. The term "commission" shall mean and be limited to the Maine Public Utilities Commission.

II. Person. The term "person" shall mean and include any natural person, firm, association, district, corporation, including municipal corporations, businesses, trust or partnership owning, leasing or operating any sewer system or part thereof within this State. It shall not include the owners or operators of any industrial or manufacturing plants maintaining and operating sewer systems primarily in connection with its manufacturing operations.

III. Public utility. The term "public utility" shall mean and include every person and every lessee, trustee or receiver now or hereafter owning, leasing, constructing, operating or managing any sewer system in this State for compensation, paid or received directly or indirectly, but shall not include the owner or operator of any manufacturing or industrial plant owning or operating a sewer system primarily in connection with its manufacturing or industrial operations.

IV. Sewer utility. The term "sewer utility" shall include every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any sewer system for compensation paid directly by the users thereof.

V. Sewer system. The term "sewer system" shall include any plant, system facility or property used or useful with the collection, treatment, purification or disposal of sewerage and sewerage effluent and residue for the public, and shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals and all necessary appurtenances and equipment, and shall include all property, rights, easements and franchises relating to any such system, and deemed necessary or convenient for the operation thereof, except systems for the collection, treatment, purification or disposal of industrial wastes, or manufacturing plants owned or operated by such manufacturing plants.

VI. Territory. The term "territory" shall mean any area in this State whether within or without the corporate limits of any municipality.

Sec. 3. Registration of public utilities. Every public utility engaged on the effective date of this chapter in operating, constructing or extending any sewer system shall register with the commission within 60 days after the effective date of this chapter by filing with the commission a written statement setting forth the full legal name of the public utility, its principal place of business and its mailing address. Every public utility as defined by this chapter shall submit to the commission a copy of its charter, and shall describe the territory which the utility is authorized to serve, and shall further file such papers, documents or other matters which the commission may deem necessary and appropriate in order to carry out this chapter.

Sec. 4. Existing sewer systems.

I. Public utilities. Every public utility or any person, firm or corporation holding a valid or existing franchise whether construction has started or not, shall be entitled to continue serving the territory it serves on the effective date of this chapter if, within 120 days after the effective date of this chapter said utility shall have complied with such rules and regulations and in such form as the commission shall have adopted and prescribed.

II. Conflicts. If the territory professed to be served by any utility conflicts with, overlaps or infringes upon any portion of the territory professed to be served by another utility, the commission, after public notice and public hearing shall resolve such conflict overlapping or infringement by a determination establishing and fixing such boundary line or lines between or among the

professed territories as are required by public convenience and necessity, taking into consideration among such other matters as it may deem appropriate, questions of the public interest, health and welfare. In making such determination the commission shall state its reasons therefor and make findings on the subsidiary facts on which the determination is predicated.

Sec. 5. Initial rates and rules.

I. Initial rates. All rates and charges of every public utility in effect on the effective date of this chapter shall be the lawful rates and charges of the public utility. All such rates and charges shall continue in effect as lawful rates and charges unless and until changed by the commission as provided in this chapter.

II. Filing required. Within 6 months after the effective date of this chapter every public utility engaged on the effective date of this chapter in the construction or operation of a sewer system shall file with the commission a schedule showing all of its rates, classifications and charges for service of every kind furnished by it on the effective date of this chapter and a complete copy of all of its rules and regulations relating thereto in effect on the effective date of this chapter.

Sec. 6. Effective rates.

I. Present service. After the rates and charges provided in this chapter become effective no public utility shall charge or receive directly or indirectly, any other rate or charge for any class of service provided for in the filings required herein unless and until such rates and charges shall be changed by the commission in accordance with this chapter.

II. New service. If any public utility shall provide a new class of service not provided for in the filings required herein the public utility may furnish the new class of service and fix just, fair, reasonable and compensatory rates and charges therefor. A schedule of any rates and charges so fixed shall be filed with the commission in accordance with this chapter.

Sec. 7. Commission approval of cost of construction of sewer system, method of financing and engineering standards. All municipalities, persons, corporations and sewer companies, before commencing construction of any new sewer system or any major addition to or alteration of an existing sewer system shall file with the commission in accordance with rules and regulations to be issued by it, and to the extent required by rules and regulations plans and specifications for such construction, additions or alterations for the advice of the commission as to cost, method of financing and adherence to proper engineering standards.

Sec. 8. Regulations and law applicable to public utilities. All public utilities shall be subject to all the provisions of chapter 44, so far as applicable and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter, and such public utility and the service rendered or furnished shall be included under the general supervision and regulation of the commission, and shall be subject to its jurisdiction and control in the same manner and to the same extent as service performed by other public utilities as provided in chapter 44.'

Sec. 2. Appropriation. There is appropriated to the Public Utilities Commission from the General Fund the sum of \$21,000 for the fiscal year ending June 30, 1964 and the sum of \$20,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.