

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

COMMITTEE AMENDMENT "A" to H. P. 705, L. D. 919, Bill,
"AN ACT to Expand the Purposes of the Portland Water District
to Authorize it to Engage in Treatment and Disposal of Sewage."

Amend said Bill in the 10th line (same in L.D.) by
striking out the word and punctuation "Scarborough,"

Further amend said Bill in section 1 by striking out in the
11th line (9th and 10th lines in L.D.) the word and punctuation
"Scarborough,"

Further amend said Bill in section 1 by striking out all
of the 2nd paragraph (same in L.D.) and inserting in place
thereof the following:

'The authorization to service the participating munici-
palities herein granted shall be exclusive except for the waste
water and sewage facilities constructed within any participating
municipality prior to the adoption of a regional plan by the
trustees of the district, and except for any waste water and sewage
facilities to be constructed within any participating municipality
for which proposed construction plans have been approved by the
appropriate governmental agencies or bids have been invited or
construction contracts have been awarded or municipal financing
of such construction has been finally authorized by such partici-
pating municipality prior to such adoption of the regional plan.'

Further amend said Bill in section 1 by striking out in

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the 5th line from the end (same in L.D.) the word and punctuation "Scarborough,":

Further amend said Bill in section 3 by striking out in the 5th line (same in L.D.) the word and punctuation "Scarborough,"

Further amend said Bill in section 4 by striking out in the 5th line (same in L.D.) the word and punctuation "Scarborough,"

Further amend said Bill in section 5 by striking out in the 8th line (6th line in L.D.) the word and punctuation "Scarborough,"

Further amend said Bill in section 11 by inserting before the 3rd paragraph from the end (same in L.D.) the following paragraph:

'Notwithstanding the above 2 paragraphs, if the Public Utilities Commission or any other governmental agency of the State of Maine shall be given general jurisdiction to oversee sewer companies or utilities, then thereafter any participating municipality claiming to be aggrieved by an assessment shall, within 60 days from receipt of said assessment, petition such commission or agency requesting the review of said assessment or any part thereof. Such commission or agency shall hear and determine the cause and shall be authorized to enter such orders as it shall deem appropriate, which orders shall be forthwith certified to the clerk of the district.'

Further amend said Bill in section 11 by inserting after

the word "court" in the 3rd line of the 3rd paragraph from the end (same in L.D.) the punctuation and words ', commission or agency'

Further amend said Bill in section 11 by striking out in the last line (same in L.D.) the word "facility" and inserting in place thereof the word 'municipality'

Further amend said Bill by striking out all of section 16 (same in L.D.) and inserting in place thereof the following:

'Sec. 16. Withdrawal. Following the adoption of a regional plan, the clerk of the district shall deliver or cause to be delivered to the municipal clerk of each participating municipality (i) a copy of such regional plan, (ii) a declaration of the share of the participating municipality of the regional costs set forth in section 10 to the date of its referendum under section 17, and (iii) a declaration of that portion of the plan which the trustees intend to carry out within such participating municipality to meet the requirements of state and federal water pollution controls and the estimated costs thereof.

Within 90 days of receipt of such plan and declarations, a participating municipality may withdraw from the waste water and sewage system authorized by this Act upon approval by a majority of the legal voters of such participating municipality voting at a special election duly called and held for the purpose, in the same manner as the election relating to the approval of this Act. The costs of such election shall be borne by the

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participating municipality. The result of the vote in such participating municipality shall be declared by the appropriate officials thereof and due certificate thereof shall be forthwith filed by the municipal clerk of such participating municipality with the Secretary of State and with the trustees of the Portland Water District. Whenever the result so filed shows that a majority of the legal voters of said participating municipality voting at said special election approves withdrawal from the provisions of this Act, it shall take complete effect with respect to such participating municipality approving withdrawal from the waste water and sewage system only upon payment to the district by such participating municipality of its total share of regional costs to the date of the referendum of such participating municipality under section 17 as stated by the district to the participating municipality.

If both the City of Portland and the City of South Portland do not withdraw from this Act in the manner above prescribed, the district shall assess any participating municipality voting to withdraw from the waste water and sewage system authorized by this Act for its share of the regional costs to the date of the referendum of such participating municipality under section 17 in the manner prescribed for the assessment of its share of the regional costs. The district shall pay all other regional costs after the date of such referendum pursuant to section 17 of any participating municipality voting to withdraw, including without limitation such participating municipality's share of the costs of the regional plan.

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If both the City of Portland and the City of South Portland withdraw from this Act in the manner above prescribed, then the authority granted hereunder to the district to create a regional waste water and sewage system shall terminate and each participating municipality which votes to withdraw shall thereupon pay to the district its total share of regional costs to the date of the referendum of each such participating municipality under section 17 as so stated; and the trustees shall thereafter be authorized to terminate such waste water and sewage system. If the district is compelled to terminate its waste water and sewage system by the withdrawal of Portland and South Portland from said system, it shall have the authority to assess each participating municipality which votes to withdraw for its share of the regional costs to the date of the referendum of such participating municipality under section 17 in the manner prescribed for the assessment of its share of the regional costs, and the district shall pay all other regional costs, including without limitation the costs of the regional plan. Upon such termination the clerk of the district shall file a certificate to this effect with the Secretary of State, and upon such filing the authority granted under this Act shall cease.

As used herein the term "regional plan" shall mean a plan prepared under the direction of the trustees of the Portland

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Water District for the collection, treatment and disposal of waste water and sewage within the participating municipalities and adopted by vote of the trustees. As soon as possible after it is determined which municipalities shall participate in this Act, the trustees of the district shall undertake to arrange for the preparation of such regional plan.'

Further amend said Bill in section 17 by striking out in the last line of the 2nd paragraph (same in L.D.) the word and punctuation "Scarborough,"; and by striking out in the 4th line of the 4th paragraph (same in L.D.) the word and punctuation "Scarborough,"; and by striking out in the 3rd line of the 6th paragraph (same in L.D.) the word and punctuation "Scarborough,"

Reported by the Committee on Public Utilities.

Reproduced and distributed under the direction of the Clerk of the House.

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4/18/69