

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 649

H. P. 503

House of Representatives, February 5, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Williams of Hodgdon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Regulate Sewer Utilities.

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

Sec. 1. R. S., T. 35, § 15, sub-§ 13, amended. Subsection 13 of section 15 of Title 35 of the Revised Statutes is amended to read as follows:

13. Public utility. "Public utility" includes every common carrier, gas company, natural gas pipeline company, electrical company, **sewer company**, telephone company, telegraph company, water company, public heating company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to chapters 1 to 17.

Sec. 2. R. S., T. 35, § 15, sub-§ 15-A, additional. Section 15 of Title 35 of the Revised Statutes is amended by adding a new subsection 15-A to read as follows:

15-A. Sewer company. "Sewer company" includes every corporation, authority, quasi-municipal corporation, sanitary district, or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any sewer system for compensation within this State, but 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, or municipal corporations.

Sec. 3. R. S., T. 35, § 15, sub-§ 15-B, additional. Section 15 of Title 35 of the Revised Statutes is amended by adding a new subsection 15-B to read as follows:

15-B. Sewer system. "Sewer system" includes all treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains, lateral mains, and all necessary appurtenances and equipment and all real estate, fixtures and personal property owned, controlled, operated or managed by any sewer company, in connection with or to facilitate the collection, treatment, purification or disposal of sewage and sewerage effluent and residue.

Sec. 4. R. S., T. 35, part 9, additional. Title 35 of the Revised Statutes is amended by adding a new part 9 to read as follows:

PART 9

SEWER UTILITIES

CHAPTER 301

REGULATION OF SEWER UTILITIES

§ 3401. Declaration of policy

It is declared that the operation of certain sewer companies, as defined, within this State is affected with the public interest and that the health, safety and welfare of the inhabitants of this State require the regulation of sewer companies, as defined, and that this chapter shall be liberally construed for the accomplishment of that purpose.

§ 3402. Registration

Every sewer company, as defined, 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 name of the sewer company, its principal place of business and its mailing address. Every sewer company as defined by this chapter shall submit to the commission a copy of its charter, and shall describe the territory which the sewer company is serving or 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 the provisions of this chapter.

§ 3403. Existing sewer companies

Every sewer company, serving or authorized to serve a given area, whether construction is started or not, shall be entitled to continue serving the territory it serves or is authorized to serve on the effective date of this chapter.

§ 3404. Initial rates and rules

1. Initial rates. All rates and charges of every sewer company in effect on the effective date of this chapter shall be the lawful rates and charges of such company. 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.

2. Filing required. Within 6 months after the effective date of this chapter, every sewer company 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.

§ 3405. Effective rates

1. Present service. After the rates and charges provided in this chapter become effective no sewer company 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, as provided in chapters 1 to 17.

2. New service. If any sewer company shall provide a new class of service not provided for in the filings required herein the sewer company may furnish the new class of service and fix just, fair and 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 chapters 1 to 17.

§ 3406. Regulations and law applicable to sewer companies

Every sewer company, as defined, shall be subject to all the provisions of chapters 1 to 17, 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 chapters.

In addition to the foregoing, every sewer system, as defined, shall be subject to the jurisdiction, orders, rules and regulations of the Maine Environmental Improvement Commission, to the extent provided in the law creating said commission, it being the intent of the Legislature that the respective duties assigned both commissions shall be exercised by each in their respective spheres, and not to create exclusive jurisdiction in the Maine Public Utilities Commission.

§ 3407. Regional sewer systems or authorities, rates, charges and assessments

A regional sewer system or authority is an entity created by a private Act of the Legislature for the purpose of serving 2 or more municipal or quasi-municipal corporations with a system for the collection, treatment and purification or disposal of sewage or sewerage effluent or residue. Such system or authority is a sewer company, as defined. In determining charges or assessments between a regional sewer system or authority and any municipal or quasi-municipal corporation the commission shall be bound by the standard or formula for apportioning costs, assessments or charges set forth in the private Act creating said system or authority.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Public Utilities Commission the sum of \$48,061 to carry out the purposes of this Act. The breakdown shall be as follows:

	1971-72	1972-73
PUBLIC UTILITIES COMMISSION		
Personal Services	(2) \$20,852	(2) \$21,359
All Other	3,600	2,100
Capital Expenditures	150	—
	<hr/> \$24,602	<hr/> \$23,459

STATEMENT OF FACT

The purpose of this legislation is to place sewer utilities under the utility regulation of the Public Utilities Commission.