

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1884

H. P. 1457

House of Representatives, April 25, 1973

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10. Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Farrington of China.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Validate and Amend the Charter of the Kennebec Sanitary
Treatment District.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 105th Legislature in regular session enacted the Kennebec Sanitary Treatment District to supply the municipalities of Waterville, Winslow, Fairfield, Benton and Vassalboro with a joint sewage treatment system; and

Whereas, the municipalities of Waterville, Winslow, Fairfield and Benton duly accepted the Act creating the Kennebec Sanitary Treatment District; and

Whereas, the Town of Vassalboro created the Vassalboro Sanitary District under the general laws; and

Whereas, the Town of Vassalboro thereafter voted to accept the Act creating the Kennebec Sanitary Treatment District; and

Whereas, there is doubt and uncertainty as to the duties and responsibilities of the Town of Vassalboro and the Vassalboro Sanitary District under the Act creating the Kennebec Sanitary Treatment District and the validity of the vote of the Town of Vassalboro to accept the said Act; and

Whereas, the Kennebec Sanitary Treatment District has been granted \$17,962,500 by the Federal Environmental Protection Agency for construction of Treatment Works to include the municipality of Vassalboro; and

Whereas, the doubt and uncertainty of the status of the Town of Vassalboro and the Vassalboro Sanitary District place the said grant in jeopardy; and

Whereas, it is essential that said federal grant be available to the Kennebec Sanitary Treatment District; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1971, c. 45, validated. The organization of the territory and inhabitants therein of the municipalities of Waterville, Winslow, Fairfield, Benton and Vassalboro into a body corporate and politic under the name of "Kennebec Sanitary Treatment District" is validated and confirmed.

Sec. 2. P. & S. L., 1971, c. 45, § 1, amended. The 3rd sentence of section 1 of chapter 45 of the private and special laws of 1971 is repealed and the following enacted in place thereof:

Said municipalities, the Vassalboro Sanitary District and the Waterville Sewerage District shall continue to own, maintain and operate their own collector sewer and storm drain systems, and may, if they choose to do so, own, maintain and operate interceptor sewers and pumping stations with appurtenances and facilities in connection therewith.

Sec. 3. P. & S. L., 1971, c. 45, § 2, amended. Section 2 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Sec. 2. Transfer of property and assets. In the event that the trustees of the district find that any of the sewer system or property or properties of said towns, or the Vassalboro Sanitary District or Waterville Sewerage District shall be necessary to carry on the functions of the district, the trustees of the district shall request that the title to such sewer property be conveyed to the district and in that event said towns, or the Vassalboro Sanitary District or said Waterville Sewerage District by its municipal officers or trustees, respectively, are authorized to convey such properties without payment of consideration. A fair charge may be made to the district for fee simple title to any land conveyed to it by said towns, or the Vassalboro Sanitary District or Waterville Sewerage District.

Sec. 4. P. & S. L., 1971, c. 45, § 3, amended. The 6th sentence of section 3 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

None of said trustees shall be a town official, except that the 5 trustees from Waterville may include members of the Board of Commissioners of the Waterville Sewerage District, and except that the trustee from Vassalboro may be a member of the board of trustees of the Vassalboro Sanitary District.

Sec. 5. P. & S. L., 1971, c. 45, § 8, amended. The first sentence of the 2nd paragraph of section 8 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Without limiting the generality of the foregoing provisions of this section, any person or corporation other than a municipal or quasi-municipal corporation, may enter into an agreement pursuant to which the district as part of a project of its own or separately, will construct facilities for the purpose of pretreating and transporting to the district's treatment facilities, either directly or through the sewerage system of another municipal or quasi-municipal corporation, sewage from or for the benefit of such person or corporation, herein sometimes called a "private user", and to finance the cost of such construction provided, however, that any such agreement shall provide that before any such construction or financing thereof is undertaken by the district, such private user or users shall have paid to the district or made provisions for the payment to the district of, said private user's or users' fair share of the unfunded capital and financing costs of such construction or financing, as defined in section 15, and that if and to the extent the fair share of the costs of operating such facilities constructed for the private user or users will not be included in rates, tolls, rents or other charges payable to said towns, **or the Vassalboro Sanitary District** or the Waterville Sewerage District, such private user or users shall pay the same to the district.

Sec. 6. P. & S. L., 1971, c. 45, § 13, amended. The first sentence of section 13 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

The district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time bonds or notes of the district to pay for: The costs of capital outlay incurred by the district in connection with accomplishing its purposes, including any necessary expenses and liabilities in acquiring properties, renovating properties, laying pipes, conduits, drains, interceptor lines, trunk sewers, construction of treatment plants, laboratories and other waste water and sewage facilities and also including organizational expenses and liabilities incurred or owed by the district and payment to or for the benefit of said towns, **or the Vassalboro Sanitary District** or Waterville Sewerage District for expenses or liabilities made or incurred by said towns or district for organizing the district; purchasing design plans and specifications for the initial interceptor sewers, force mains, pumping stations and treatment facilities and other engineering expenses and costs which the said towns **or the Vassalboro Sanitary District** and Waterville Sewerage District have incurred; renewals, additions, replacements, extensions and improvements to the district's properties; interest during the period of construction and for a period not exceeding one year thereafter; and the establishment of a reasonable reserve for future payments of debt service on district debt which reserves shall not exceed for any issue of serial bonds or notes, the amount of interest and principal payable on account of such issue averaged for each year except the last in which principal of such issue is payable.

Sec. 7. P. & S. L., 1971, c. 45, § 13, amended. The first sentence of the 4th paragraph of section 13 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

For the purpose of paying expenses of operation, including without limitation, any principal or interest due or about to become due on any bond or note

issued by the district for which funds are not then available, the district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time temporary notes of the district in anticipation of revenue to be received by the district within the fiscal year in which such temporary notes are issued from amounts apportioned to said towns, or the **Vassalboro Sanitary District** or the Waterville Sewerage District as provided in section 16 and from sums due or to be due the district under agreements with users under section 8.

Sec. 8. P. & S. L., 1971, c. 45, § 13, amended. The 3rd sentence of the 4th paragraph of section 13 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

In the event such temporary notes are issued before such apportionments to said towns, and the **Vassalboro Sanitary District** and Waterville Sewerage District for that year have been certified, the principal amount of such notes may not exceed the estimated amount of such apportionments as determined by the trustees.

Sec. 9. P. & S. L., 1971, c. 45, § 15, amended. The 2nd sentence of the first paragraph of section 15 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

The district trustees shall also determine the portion of the total sums to be raised for the calendar year, the amounts to be apportioned to said towns, the **Vassalboro Sanitary District** and the Waterville Sewerage District.

Sec. 10. P. & S. L., 1971, c. 45, § 15, amended. The first sentence of the 2nd paragraph of section 15 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Said total anticipated sums necessary for the operation and maintenance shall be the total of sums required in any year for unfunded capital costs and financing costs plus costs of operation less funds on hand or in the judgment of the trustees to be received during said year from other than said towns, the **Vassalboro Sanitary District** and Waterville Sewerage District and available or to be available within said year to pay unfunded capital costs and financing costs or operating costs, as the case may be.

Sec. 11. P. & S. L., 1971, c. 45, § 15, amended. The last paragraph of section 15 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

If a surplus exists at the end of a calendar year, it may be transferred to a surplus account which shall not exceed \$25,000 or 3% of the total sum apportioned in the prior calendar year to said towns, the **Vassalboro Sanitary District** and Waterville Sewerage District, whichever is the larger. The trustees may add to the sinking fund, if any, so much of any excess over said limitations as they determine advisable, and any remainder shall be credited on an equitable basis against sums otherwise to be apportioned to said towns, the **Vassalboro Sanitary District**, the Waterville Sewerage District and any persons, firms or corporations other than said towns and sewer ~~district districts~~

under contract to pay for the use of the district's facilities during the year as at the end of which such surplus was created.

Sec. 12. P. & S. L., 1971, c. 45, § 16, amended. The first paragraph of section 16 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

The trustees shall annually apportion the amount determined under section 15 between said towns, **the Vassalboro Sanitary District** and the Waterville Sewerage District, sometimes referred to as public users, on the following basis:

Sec. 13. P. & S. L., 1971, c. 45, § 16, sub-§ 1, amended. Subsection 1 of section 16 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

1. Unfunded capital costs and financing costs shall be apportioned in the ratio of the percentage of use capability of the district's facilities as between said towns, **the Vassalboro Sanitary District** and Waterville Sewerage District, and

Sec. 14. P. & S. L., 1971, c. 45, § 16, sub-§ 2, amended. The first sentence of subsection 2 of section 16 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Operating costs shall be apportioned according to the estimated use of the district's facilities to be made by said towns, **the Vassalboro Sanitary District** and Waterville Sewerage District until such facilities have been in operation for one calendar year as determined by the trustees.

Sec. 15. P. & S. L., 1971, c. 45, § 16, amended. The first sentence of the 6th paragraph of section 16 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

The amount so apportioned for each public user shall prior to February 1st in each year be certified by the trustees to the assessors of said towns, **to the trustees of the Vassalboro Sanitary District** and the commissioners of Waterville Sewerage District.

Sec. 16. P. & S. L., 1971, c. 45, § 16, amended. Section 16 of chapter 45 of the private and special laws of 1971 is amended by adding a new sentence after the 3rd sentence in the 6th paragraph to read as follows:

The trustees of the Vassalboro Sanitary District shall include the amount so certified as a current expense which shall be paid from the sewer rates fixed by law; but, until the Vassalboro Sanitary District shall be in operation, the Town of Vassalboro is authorized to fund the amount so certified.

Sec. 17. P. & S. L., 1971, c. 45, § 17, amended. The first sentence of section 17 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Said towns, **the Vassalboro Sanitary District** and Waterville Sewerage District shall pay for services provided by the district through the payment of their apportioned shares under section 16.

Sec. 18. P. & S. L., 1971, c. 45, § 17, amended. The 3rd paragraph of section 17 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

Rates, tolls, rents and entrance charges by the district, said towns, **the Vassalboro Sanitary District** and the Waterville Sewerage District shall be uniform within their respective territories except as provided in this section. Notwithstanding the foregoing sentence, the municipal officers of said towns, **the trustees of the Vassalboro Sanitary District**, the commissioners of Waterville Sewerage District and the trustees of the district, as the case may be, may establish rates, tolls, rents or entrance charges higher than the regular rates, tolls, rents and entrance charges otherwise applicable whenever the cost of installation or maintenance of sewers or their appurtenances or the cost of service is or is expected to be substantially higher for a particular section or area the boundaries of which shall be established after a public hearing, notice of which shall be published at least 2 times in a newspaper having a circulation in the district, the first such publication to be not later than 14 days before the date of the hearing and the last such publication to be not later than 5 days before said date. In order to recover such portion or all of such higher cost of construction or maintenance, or the cost of service, said municipal officers, **the trustees of the Vassalboro Sanitary District**, commissioners of the Waterville Sewerage District or trustees of the district, as the case may be, shall first determine the added costs which are fairly allocable to such section or area and the reasons therefor. Any such higher rates, tolls, rents and entrance charges shall be uniform throughout the sections or areas where they apply.

Sec. 19. P. & S. L., 1971, c. 45, § 18, amended. The first sentence of section 18 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

There shall be a lien on real estate served or benefited by the sewers or sewerage treatment facilities of the district to secure the payments of rates, tolls, rents and entrance charges, established pursuant to authority of section 17 or any other lawful authority and payments due to the district under any agreement with a user under section 9 8.

Sec. 20. P. & S. L., 1971, c. 45, § 18, amended. The last paragraph of section 18 of chapter 45 of the private and special laws of 1971 is amended to read as follows:

The owner losing his real estate pursuant to such lien may recover from the town, **Vassalboro Sanitary District** or Waterville Sewerage District having the obligation to pay said rate, toll, rent, charge or payment due.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to clarify the inclusion of the Vassalboro Sanitary District in the Charter of the Kennebec Sanitary Treatment District so that there will be no delay in the payment of federal funds.