

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 726

H. P. 587

House of Representatives, February 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Immonen of West Paris.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Amending the Charter of the Paris Utility District.

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

Whereas, prompt action is required to abate pollution of the state's waters at the earliest possible time; and

Whereas, action toward that end is progressing in the vicinity of the Town of Paris; and

Whereas, there exists doubt as to the ability of the Paris Utility District to contract for or impose and collect all rates, tolls, rents, entrance charges and other lawful charges necessary to support the costs of such a pollution abatement program; 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&SL 1967, c. 49, § 9 is amended by adding at the end a new paragraph to read:

The district is further authorized to contract with persons, corporations, districts and other municipalities, both inside and outside the boundaries of the district, and with the State of Maine and the United States Government or any agency of either, to construct, establish, maintain and operate sewers,

drains, reservoirs, flush tanks, manholes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage and commercial and industrial waste and storm and surface waste waters; and further to contract with such persons, corporations, districts and other municipalities to provide for the disposal of sewage and commercial and industrial waste and storm and surface water through the district's system and through the system of any such person, corporation, district or other municipality.

Sec. 2. P&SL 1967, c. 49, § 13, first 2 ¶¶ are repealed and the following enacted in place thereof:

Sec. 13. Rates. All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of said district the rates, tolls, rents, entrance charges and other lawful charges established by said board of trustees for the water, sewer or drainage service used or available with respect to their real estate, which rates may include rates for said district's readiness to serve charged against owners of real estate, abutting on or accessible to, sewers or drains of the district, but not actually connected thereto, whether or not such real estate is improved. Water rates shall be subject to the approval of the Public Utilities Commission.

Said water rates, sewer rates, tolls, rents and entrance charges shall be so established as to provide revenue for the following purposes:

Sec. 3. P&SL 1967, c. 49, § 14, is amended by adding at the end a new sentence to read:

There shall be a lien on real estate to secure the payment of any obligation to the district under an agreement made pursuant to section 9, which shall be the same as the lien granted by this section to secure the payment of water rates, sewer rates, tolls, rents, entrance charges and other lawful charges established by the board of trustees, and the provisions of this section relating to the collection of, and the enforcement of, a lien with respect to said water rates, sewer rates, tolls, rents, entrance charges and other lawful charges shall apply to the collection and enforcement of such obligations.

Sec. 4. P&SL 1967, c. 49, § 14-A is enacted to read:

Sec. 14-A. Connection of private sewers. Every building within the district intended for human habitation or occupancy or with facilities for discharge or disposal of sewage or commercial or industrial waste, which is accessible to a sewer or drain of such district, shall have a sanitary sewer or drainage system which shall be caused to be connected with such sewer or drain of the district by the owner or person against whom taxes on the premises are assessed, in the most direct manner possible, within 90 days after receiving request therefor from the district, or within such further time as the trustees of the district may grant, and, if feasible, with a separate connection for each such building. Existing buildings which are already served by a private sewer or drainage system shall not be required to connect with any such sewer or drain of the district so long as, in the judgment of the trustees, such private sewer or drainage system functions in a satisfactory

and sanitary manner and does not violate any law or ordinance applicable thereto or any applicable requirement of the State Plumbing Code. A building shall be deemed to be accessible to a sewer or drain of the district for purposes of this section if such building, or any private sewer or drain directly or indirectly connected thereto or carrying sewage or commercial or industrial waste therefrom, shall at any point be or come within 100 feet of a sewer or drain of the district; provided that nothing in this section shall require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection.

Sec. 5. Acts validated. All acts, actions and proceedings of the Paris Utility District relating to the provision of sewers and sewerage facilities are hereby validated, confirmed and made effective.

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 Act is reflected in the emergency preamble.