

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 866

H. P. 677

House of Representatives, February 27, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Amending the Charter of the Augusta Sanitary District.

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

Whereas, the Public Utilities Commission on December 26, 1974 has ruled that it cannot constitutionally approve the rates of the Augusta Sanitary District even though the charter of the district so requires; and

Whereas, said district is unable to implement its rates where the commission cannot constitutionally approve them; and

Whereas, said district forthwith must have its rates made effective to maintain its financial stability; 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:

P & SL 1955, c. 139, § 19, first sentence is amended to read:

All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates and assessments established by said commissioners to pay for the cost of the works and for the service used by them; and said rate shall not be discriminatory within the territory supplied by the district, and shall be subject to the approval of the ~~Public Utilities Commission~~ **Augusta city council.**

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

STATEMENT OF FACT

On December 26, 1974 the Public Utilities Commission ruled that, in the light of the decision of the Supreme Judicial Court **In re: Milo Water District**, 128 Me. 531, it could not constitutionally approve the rates of the Augusta Sanitary District unless it was authorized to regulate the rates of all such districts. A few districts operating sewer systems have charter language requiring such approval although many such districts are not so regulated. Accordingly with such an invalid provision in its charter, the Augusta Sanitary District is not able effectively to implement its rates. The commission in its above ruling strongly suggested that this be resolved on an emergency basis during the early weeks of this session.

This bill makes the City Council of the City of Augusta the body to give approval.