

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1963

H. P. 1804

House of Representatives, January 19, 1976

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

EDWIN H. PERT, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**AN ACT to Enable the Town of Cape Elizabeth to Establish Sewer
Service Charges.**

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

Sec. 1. Sewer service charge. The town council of the Town of Cape Elizabeth may by ordinance establish and levy upon persons, firms or corporations owning real estate served by, abutting on or accessible to drains and sewers heretofore or hereafter constructed, in addition to the construction assessment provided for by the Revised Statutes of 1964, Title 30, section 4451, a service charge for the use of such drains and sewers and for the services so furnished or available to such real estate, whether or not such real estate is improved or connected thereto. Persons, firms or corporations shall be construed to include those which are public, quasi-municipal or otherwise tax exempt.

Sec. 2. Charges. Such charges shall be uniform wherever the cost to the town of the service is substantially uniform, but nothing contained herein shall preclude the town council from establishing higher charges in special types of cases where for any reason the cost to the town of the service exceeds the average, but such higher charges shall be uniform in such special types of cases. Such charges may aggregate an amount sufficient to pay the current expenses of operating and maintaining the sewer system, and to establish a fund for the payment of interest and principal on any outstanding or future indebtedness of the town for construction of drains and sewers or for the construction of a revenue-producing municipal facility.

Sec. 3. Collection. The charges shall be secured and collected in the manner and with the priority set forth in the Revised Statutes of 1964, Title 30, section 4355, or comparable provisions of the general statutes hereafter governing municipal sewer service charges.

STATEMENT OF FACT

Construction projects costing in excess of \$5,000,000 are extending sanitary sewer lines in Cape Elizabeth. The town's share of the cost is financed from general revenue and service charges are expected to account for 90% of the town's share. Although it is anticipated that the number of actual users of the system will double beginning in 1976, the new lines also pass by and benefit much undeveloped land.

The town is revising its sewer ordinance to assure an equitable method of sewer funding, available for planning and actual use during 1976. This Act will enable town planners to include in that revision readiness-to-serve charges against unimproved lots accessible to sewer lines, supplementing charges against actual users. This Act is similar to those enacted for other towns, such as Falmouth.