

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2301

H. P. 2187

House of Representatives, March 12, 1976

Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635, as amended. Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Chonko of Topsham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**AN ACT to Increase the Borrowing Capacity of the Topsham Sewer District
and to Specify and Clarify Eminent Domain Powers.**

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

Whereas, the Topsham Sewer District has no treatment plant and it is vitally necessary that the sewerage be treated; and

Whereas, said district has a contract with the Brunswick Sewer District for the treatment of sewerage in their existing plant and the construction for sewer lines and facilities to accomplish this has been funded by the Federal Government; and

Whereas, said Topsham Sewer District will need to advance 25% of the total construction costs before it can obtain reimbursement from state and federal sources, which amount could be in excess of said district's current borrowing capacity because of inflation and other factors; and

Whereas, there were and still may be many private sewer lines within said district which have been or are dumping raw sewerage into the Androscoggin River, which are or shortly may be unlawful, some of which said private sewer lines the said district might well use to the benefit of all if it has unrestricted power to take same without consent of the majority of the owners, which power said district does not now have; and

Whereas, said sewer district might well have to take several sewer line easements by right of eminent domain, 3 of which said sewer easements are needed to service the Topsham Heights area, which because of ledge and soil conditions make private sewerage disposal difficult and perhaps even dangerous to health, 2 of which said easements will run across land now owned by an electric power company, which is a public utility, and it is unclear under said district's charter whether or not those easements on land so owned can be taken by the district by eminent domain; and

Whereas, if said sewer district does not immediately have authority to accomplish the above purposes, a badly needed pollution abatement project which has taken years to put together may be jeopardized; and

Whereas, the following legislation is necessary for the health of the inhabitants of all parties concerned; 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 1957, c. 128, § 9, first sentence, as last amended by PL 1975, c. 69, is further amended to read:

For accomplishing the purposes of this Act and for such other expenses as may be necessary for the carrying out of said purposes, the district, through its trustees, without district vote, is authorized to issue its notes and bonds in one series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of ~~\$700,000~~ \$1,000,000.

Sec. 2. P&SL 1957, c. 128, § 2, is amended by adding a new paragraph at the end to read:

Anything in this charter to the contrary notwithstanding, said sewer district is hereby authorized to take by eminent domain without any consent, any and all private sewer lines within said district's area which could be connected to or which interfere with said sewer district's project which was recently funded by the Federal Government and is known as Topsham Sewer District Sewerage Treatment Project, Federal No. C-230144 and in addition said sewer district is hereby authorized to take any and all easements necessary or convenient for said project by right of eminent domain whether or not the land on, over or under which said easements run is owned in whole or in part by any electric power company or any public utility company or any public service corporation whatsoever.

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 reflected in the emergency preamble.