

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1840

S. P. 704

In Senate, January 22, 1980

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Amend the Charter of the Aroostook-Prestile 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 Aroostook-Prestile Treatment District was created by the Private and Special Laws of Maine, 1973, chapter 95; and

Whereas, the treatment of municipal and industrial waste water and sewage is essential to the health and well-being of the inhabitants of Aroostook County; and

Whereas, certain towns are about to receive federal funds for waste water and sewage treatment; and

Whereas, these towns desire membership in the Aroostook-Prestile Treatment District to utilize the services of the Aroostook-Prestile Treatment District to administer these funds and projects; 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 P&SL 1973, c. 95, § 1, as repealed and replaced by P&SL 1975, c. 54, is repealed and the following enacted in its place:

Sec. 1. Incorporation and purposes. There is created a quasi-municipal corporation to be known as the Aroostook-Prestile Treatment District, hereinafter called "the district." It shall consist of the territory and people of the Cities of Presque Isle and Caribou and the Town of Easton, and such other geographical areas within Aroostook County as are defined as set forth in this chapter and which apply for and are accepted into the Aroostook-Prestile Treatment District. The purposes of the district shall be to plan, acquire facilities for, construct, operate, maintain and improve sewage treatment plant or plants, interceptor and collector lines, sewers, pumping stations and other facilities necessarily incident thereto, to receive, treat and dispose of sewage and waste waters discharged by the Presque Isle Sewer District, the Caribou Utilities District and the inhabitants of the City of Presque Isle, the City of Caribou and the Town of Easton, who are not served by the Presque Isle Sewer District or the Caribou Utilities District and to consult with and offer these services on a voluntary and contractual basis to such other members of the district as elect to belong to the district as provided herein, and in addition thereto, industrial users within the district as that term is defined by 40 C.F.R. Section 35.905 and as it may be from time to time amended. Membership in the district shall be by application to the board of trustees as provided in this chapter.

Sec. 2. P&SL 1973, c. 95, § 2, 3rd sentence, is repealed and the following enacted in its place:

The district is also authorized to lay, maintain, repair and replace its pipes and equipment in the streets, roads and ways within the geographical areas of a member of the Aroostook-Prestile Treatment District and across public or private lands and along and across ponds, rivers and water courses where the construction would not unduly interfere with some other existing public purpose.

Sec. 3. P&SL 1973, c. 95, § 2, last sentence is amended to read:

The district shall assume responsibility for all costs of such work and shall indemnify the cities or ~~towns~~ towns or unincorporated townships for any liability which they may incur to third persons from negligent performance of the work.

Sec. 4. P&SL 1973, c. 95, § 7, last ¶, is repealed and the following enacted in its place:

The district may, for the proper operation of its sewage collection and treatment facilities, issue rules and regulations which shall be binding on the Presque Isle Sewer District, the Caribou Utilities District, the municipalities of Presque Isle, Caribou and Easton and the municipalities and quasi-municipalities of other district members, and the inhabitants and industries of Presque Isle, Caribou and Easton and the inhabitants and industries of municipalities of other district members, as to the quantity and character of any sewage, drainage or other waste distribution into any sewer connected with any of the facilities of the district.

Sec. 5. P&SL 1973, c. 95, § 10, 2nd sentence is repealed and the following enacted in its place:

The district is authorized to enter into binding contracts with the Presque Isle Sewer District, the Caribou Utilities District and the municipalities of Presque Isle, Caribou and Easton and municipalities or quasi-municipalities of other district members. The municipalities of Presque Isle, Caribou and Easton, are Presque Isle Sewer District and the Caribou Utilities District and the municipalities and quasi-municipalities of other district members are authorized to enter into binding contracts with the district.

Sec. 6. P&SL 1973, c. 95, § 11, as repealed and replaced by P&SL 1977, c. 4, is repealed and the following enacted in its place:

11. Trustees. All affairs of the district shall be managed by a board of trustees representing district members which shall not exceed 16 in number. The public trustees shall be appointed by the governing body or bodies of each district member. The existing board of trustees of the district, as composed upon enactment of this section, shall have the authority to define geographical areas within Aroostook County which shall be entitled to representation on the board of trustees after application, and to vote upon the applications. Thereinafter the district shall be managed by the board of trustees as provided in this chapter and as appointed by the governing body or bodies of the geographical areas, which shall be responsible for management and definition of any future changes in geographical areas for representation upon the district board of trustees. A geographical area may apply for membership to the district by application to the board of trustees for membership in the district. A majority vote by the board of trustees shall be required for acceptance of the applying area into the district. Of the 16 trustees, 3 of the trustees shall be appointed by the city council of the City of Presque Isle; 3 of the trustees shall be appointed by the city council of the City of Caribou; one of the trustees shall be appointed by the board of selectmen of the Town of Easton; one shall be appointed by the trustees of the Presque Isle Sewer District from their number; one of the trustees shall be appointed by the trustees of the Caribou Utilities District from their number; one the trustees shall be appointed by the Aroostook County commissioners to represent unorganized townships, provided that the commissioners apply for membership in the district; and 3 of the trustees shall be industrial user representatives and shall be selected by the industrial users as that term is defined by 40 C.F.R. Section 35.905 and as it may be from time to time amended, of the district in such manner as they shall jointly determine. No single industrial user member of the district shall be entitled to select more than one trustee for representation upon the board of trustees. No public trustee shall be a director, officer or employee of an industrial user. The terms of the public trustees shall be for 3 years, except for the initial trustees whose term shall be determined by lot with at least 3 trustees serving for a one-year term, 3 trustees for a 2-year term and 3 trustees for a 3-year term. Trustees shall be eligible for reappointment.

No employee of the Presque Isle Sewer District, the Caribou Utilities District,

the Aroostook County commissioners or the district shall be eligible for appointment to the board of trustees. If any of the offices of trustee shall become vacant, the entity appointing the trustee shall appoint a successor to fill the term of the vacant trustee.

Sec. 7. P&SL 1973 c. 95, § 12, first sentence, as repealed and replaced by P&SL 1977, c. 4, is repealed and the following enacted in its place:

A quorum of the trustees able to conduct any business shall be a majority of the trustees appointed to the board of trustees. All votes shall be by a majority of those present and voting.

Sec. 8. P&SL 1973, c. 95, § 12, 3rd and 4th paragraphs as repealed and replaced by P&SL 1977, c. 4, are repealed and the following enacted in their place:

The public trustees shall be compensated as determined by the board of trustees for their services and all trustees shall be paid for necessary travel and other expenses at the same rates as are employees of the State.

Trustees shall make an annual report of their activities and finances for the preceding year and shall submit a copy thereof to the municipal officers of each district member, the Department of Environmental Protection and to any citizen of the district who requests one. The financial portion of the report shall be certified by a certified public accountant.

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

STATEMENT OF FACT

The intent of this bill is to broaden representation on the board of trustees of the Aroostook-Prestile Treatment District and broaden the geographical area of the Aroostook-Prestile Treatment District.