

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EMERGENCY
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 41

H. P. 36

House of Representatives, December 19, 1980

Reference to the Committee on Public Utilities suggested.

EDWIN H. PERT, Clerk

Presented by Mrs. Wentworth of Wells.

Cosponsors: Mr. Lancaster of Kittery, Mr. Kelleher of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Place Sewer Utilities under the Regulation of the Public Utilities
Commission.**

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

Whereas, since sewer utility districts are currently unregulated, they can raise their rates, without appeal, as they see fit; and

Whereas this practice has led to abuse, and regulation in a fair and just manner is urgently needed; 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. 35 MRSA § 15, sub-§ 13, is amended to read:

13. Public utility. "Public utility" includes every common carrier, gas company, natural gas pipeline company, electrical company, **sewer company**, telephone company, telegraph company, water company, public heating

company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to chapters 1 to 17.

Sec. 2. 35 MRSA § 15, sub-§§ 15-A and 15-B are enacted to read:

15-A. Sewer company. "Sewer company" includes every corporation, authority, quasi-municipal corporation, sanitary district, or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any sewer system for compensation within this State, but does not include the owners or operators of any industrial or manufacturing plants maintaining and operating sewer systems primarily in connection with its manufacturing operations, or municipal corporations.

15-B. Sewer system. "Sewer system" includes all treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure equipment, mains, lateral mains, all necessary appurtenances and equipment and all real estate, fixtures and personal property owned, controlled, operated or managed by any sewer company, in connection with or to facilitate the collection, treatment, purification or disposal of sewerage and sewerage effluent and residue.

Sec. 3. 35 MRSA Part 8 is enacted to read:

PART 8

SEWER UTILITIES

CHAPTER 301

REGULATION OF SEWER UTILITIES

§ 3401. Declaration of policy

It is declared that the operation of certain sewer companies, as defined, within this State is affected with the public interest and that the health, safety and welfare of the inhabitants of this State require the regulation of sewer companies, as defined, and that this chapter shall be liberally construed for the accomplishment of that purpose.

§ 3402. Registration

Every sewer company, as defined, engaged on the effective date of this chapter in operating, constructing or extending any sewer system shall register with the commission within 60 days after the effective date of this chapter by filing with the commission a written statement setting forth the full name of the sewer company, its principal place of business and its mailing address. Every sewer company as defined by this chapter shall submit to the commission a copy of its charter, and shall describe the territory which the sewer company is serving or is authorized to serve, and shall further file such papers, documents or other matters which the commission may deem necessary and appropriate in order to carry out the provisions of this chapter.

§ 3403. Existing sewer companies

Every sewer company, serving or authorized to serve a given area, whether construction is started or not, may continue serving the territory it serves or is authorized to serve on the effective date of this chapter.

§ 3404. Initial rates and rules

1. **Initial rates.** All rates and charges of every sewer company in effect on the effective date of this chapter are the lawful rates and charges of such company. All such rates and charges shall continue in effect as lawful rates and charges unless and until changed by the commission as provided in this chapter.

2. **Filing required.** Within 6 months after the effective date of this chapter, every sewer company engaged on the effective date of this chapter in the construction or operation of a sewer system shall file with the commission a schedule showing all of its rates, classifications and charges for service of every kind furnished by it on the effective date of this chapter and a complete copy of all its rules and regulations, relating to those rates, classifications and charges, in effect on the effective date of this chapter.

§ 3405. Effective rates

1. **Present service.** After the rates and charges provided in this chapter become effective no sewer company may charge or receive, directly or indirectly, any other rate or charge for any class of service provided for in the filings required by this chapter unless and until such rates and charges are changed, as provided in chapters 1 to 17.

2. **New service.** If any sewer company provides a new class of service not provided for in the filings required by this chapter the sewer company may furnish the new class of service and fix just, fair and reasonable and compensatory rates and charges therefor. A schedule of any rates and charges so fixed shall be filed with the commission in accordance with chapters 1 to 17.

§ 3406. Regulations and law applicable to sewer companies

Every sewer company, as defined, is subject to all the provisions of chapters 1 to 17, so far as applicable, and to such orders, rules and regulations as are adopted and promulgated by the commission under the authority of those chapters.

In addition to the foregoing, every sewer system, as defined, is subject to the jurisdiction, orders, rules and regulations of the Board of Environmental Protection, to the extent provided in the law creating the commission, it being the intent of the Legislature that the respective duties assigned both commissions shall be exercised by each in their respective spheres, and not to create exclusive jurisdiction in the Maine Public Utilities Commission.

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

LEGISLATIVE DOCUMENT No. 41

STATEMENT OF FACT

The purpose of this bill is to place sewer utilities under the regulation of the Public Utilities Commission.