

MAINE STATE LEGISLATURE

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(EMERGENCY)
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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1672

H. P. 1577

House of Representatives, May 29, 1981

Reported by Representative Weymouth from the Committee on Public Utilities and Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Relating to the Provisions of the Charter of the Brunswick Sewer District.

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

Whereas, immediate enactment will facilitate holding the referendum on this Act, should the voters of the district desire one, concurrently with the statewide election scheduled for November 3, 1981; and

Whereas, that will significantly reduce the cost of any referendum; 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 P&SL 1947, c. 77, § 6, 2nd sentence from the end, as amended by P&SL 1967, c. 88, is repealed and the following enacted in its place:

The compensation for each trustee shall be \$30 for each meeting attended in addition to reimbursement for travel and expenses, the total not to exceed \$600 each year. In addition, the treasurer shall receive \$150 and the chairman \$300 for their added responsibilities.

Sec. 2. P&SL 1947, c. 77, § 9-A, first sentence, as enacted by P&SL 1955, c. 68, § 1, is amended to read:

When the district has constructed and completed a public drain or common sewer, the trustees shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, whether said the person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expenses of constructing and completing such drain or sewer, together with such disposal units and appurtenances as may be necessary ~~the whole of such assessments not to exceed 2/3 of the cost of such drain or sewer and sewage disposal units.~~

Sec. 3. P&SL 1947, c. 77, § 9-A, as enacted by P&SL 1955, c. 68, § 1, is amended by adding after the first sentence a new sentence to read:

In providing service to existing dwellings, should community health and welfare concerns dictate, the trustees may determine to participate in the financing of such assessments to the extent they deem appropriate, but not to exceed 1/3 of the cost of the drain or sewer and sewage disposal units, except, in the case of demonstrated hardship for an individual homeowner, the cost limit shall not apply.

Sec. 4. P&SL 1947, c. 77, § 9-C, 2nd sentence, as enacted by P&SL 1955, c. 68, § 1, is repealed and the following enacted in its place:

Such action shall be commenced in the same manner as other civil actions.

Sec. 5. P&SL 1947, c. 77, §§ 15 and 16 are enacted to read:

Sec. 15. Additional powers. The Brunswick Sewer District is authorized to enter into contracts with municipalities, other sewer districts or any other persons or entities for any purpose which is necessary to its treatment and disposal of sewage.

Sec. 16. Public hearings. The Brunswick Sewer District shall hold a public hearing prior to the extension of an existing sewer line the distance of 500 feet or more over a 3-year period, or the construction of a new sewer line the distance of 500 feet or more in length over a 3-year period. If the public health and welfare of the community, as determined by the health officer, might be adversely affected by delay, the hearing may be waived.

Sec. 6. Effective date; referendum. This Act shall take effect when approved only for the purpose of permitting the legal voters of the district to petition for a referendum. This Act shall take effect for all purposes 90 days after adjournment of the First Regular Session of the 110th Legislature, unless a timely and sufficient referendum petition is filed. Prior to its taking effect, the voters who reside within the territorial jurisdiction of the Brunswick Sewer District, may, pursuant to the applicable provisions of the Brunswick Town Charter, Private and

Special Laws 1969, chapter 151, Article XI, sections 1102 and 1103, send this Act to referendum. Notwithstanding those sections of the town charter, only those voters who reside within the territorial jurisdiction of the Brunswick Sewer District may participate in the referendum process. Further, notwithstanding these sections of the town charter, the petition may be filed within 80 days after adjournment of the First Regular Session of the 110th Legislature, and the election, should a timely and sufficient petition be filed, may, at the discretion of the municipal officers, be held concurrently with the election scheduled for November 3, 1981.

If the voters of the district do file a timely and sufficient referendum petition, this Act shall be submitted by the town council to the voters of the district for approval. The election shall be called, advertised and conducted according to the law relating to municipal elections and, insofar as possible, according to the referendum procedures of the Brunswick Town Charter, Private and Special Laws 1969, Article XI. If it is submitted, the town clerk shall reduce the subject matter of this Act to the following question:

“Shall an Act relating to the provisions of the charter of the Brunswick Sewer District be accepted?”

The voters shall indicate by a cross or check mark placed against the word “Yes” or “No” their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of the district voting at such elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 10% of the total vote for all candidates for Governor in the town at the next previous gubernatorial election; but failure of approval by the necessary majority or percentage of votes shall not prevent subsequent elections.

The voters of the district shall be those voters of the Town of Brunswick who reside within the boundaries of the district. In the event that a valid and sufficient petition is filed under this section, the registrar of the town shall prepare a special voting list for the district no later than 14 days before the election. Registration shall be governed by the requirements of Title 21. The cost of preparing the list and any other costs of including the referendum in the election shall be reimbursed to the town by the district.

The results of the elections shall be declared by the municipal officers of the Town of Brunswick and due certificates thereof shall be filed by the town clerk with the Secretary of State.

In the event of a referendum, this Act shall take effect for all purposes upon approval by the voters and certification with the Secretary of State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, subject to the limitations in section 6.

STATEMENT OF FACT

This new draft deletes the expansion of the district, relates trustees' pay to meetings actually attended, modifies the costsharing and public hearing provisions relating to sewer extensions and allows for approval by referendum if the voters file a valid petition for one.