

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 137

7 H.P. 129

House of Representatives, January 10, 1983

8 Reference to the Committee on Public Utilities. Sent up for concurrence
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Lisnik of Presque Isle.

Cosponsors: Representative Mahany of Easton, Representative Matthews
11 of Caribou and Senator McBrairy of Aroostook.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Amending the Charter of the
18 Aroostook Prestile Treatment District and
19 the Charter of the Presque Isle
20 Sewer District to Authorize the Withdrawal
21 of Municipalities from the Aroostook
22 Prestile Treatment District.
23

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

26 Sec. 1. P&SL 1937, c. 80, §4, 2nd ¶, as amended
27 by P&SL 1963, c. 67, is further amended to read:

28 Commencing at a granite monument, being the
29 southeast corner of the Town of Mapleton and the
30 northeast corner of the Town of Chapman; thence pro-
31 ceeding in an easterly direction along a line with a
32 true bearing of north ninety (90) degrees east until
33 said line intersects the center line of the Center
34 Line Road in the City of Presque Isle; thence pro-

1 ceeding in a northerly direction along the center
2 line of said Center Line Road until the projection of
3 said center line intersects the high water line on
4 the south side of the Aroostook River; thence pro-
5 ceeding in a northwesterly direction along the high
6 water line on the south side of the Aroostook River
7 to its intersection with a true east-west line said
8 line being "y" coordinate one million forty-eight
9 thousand five hundred (1,048,500) on the Maine Trans-
10 verse Mercator System (East Zone); thence proceeding
11 westerly along said "y" coordinate line to its inter-
12 section with the east line of the Town of Mapleton;
13 thence proceeding southerly along the said east line
14 of the Town of Mapleton to the southeast corner of
15 the Town of Mapleton and the place of beginning; is
16 hereby created a body politic and corporate by the
17 name of Presque Isle Sewer District for the purpose
18 of providing in said district a system of public
19 sewerage collection and treatment and drainage for
20 the comfort, convenience and health of the inhabi-
21 tants of said district, with all the rights, privi-
22 leges and immunities incident to similar corpora-
23 tions.

24 Sec. 2. P&SL 1937, c.80, §4, last paragraph, as
25 amended by P&SL 1963, c. 67, is repealed.

26 Sec. 3. P&SL 1973, c. 95, § 1, as amended by
27 P&SL 1975, c. 54, is further amended by adding at the
28 end a new sentence to read:

29 The district shall have all such powers, rights,
30 privileges and immunities as may be necessary for the
31 accomplishment of the aforesaid purposes, whether or
32 not such powers are hereinafter specifically given.

33 Sec. 4. P&SL 1973, c. 95, §11, as repealed and
34 replaced by P&SL 1977, c. 4, is amended by adding at
35 the end a new paragraph to read:

36 In the event any of the people and territory of
37 the district withdraw from the district pursuant to
38 section 23, the trustees appointed solely by the
39 municipal officials representing the withdrawing
40 people and territory or by the quasi-municipal sewer
41 district serving the withdrawing people and territory
42 or by an industrial user located in the withdrawing

1 territory shall resign immediately after the with-
2 drawal is approved by the board of trustees of the
3 district. No vacancy may occur upon that resigna-
4 tion.

5 Sec. 5. P&SL 1973, c. 95, §12, first sentence,
6 as repealed and replaced by P&SL 1977, c. 4, is
7 amended to read:

8 A quorum of the trustees able to conduct any business
9 shall be 7 in number a majority of the trustees; all
10 votes shall be by a majority of those present and
11 voting.

12 Sec. 6. P&SL 1973, c. 95, as last amended by
13 P&SL 1977, c. 4, is further amended by adding at the
14 end a new section to read:

15 Sec. 23. Withdrawal of municipality. The people
16 and territory of either the City of Presque Isle, the
17 City of Caribou or the Town of Easton, may, through
18 their elected municipal officials, upon 90 days writ-
19 ten notice to the district, request in writing to
20 withdraw from the district. The trustees shall vote
21 on any request within 30 days after the request is
22 received by the district and such withdrawal shall
23 take effect upon approval by a majority vote of the
24 trustees of the district present and voting, includ-
25 ing those representing the people and territory
26 requesting withdrawal.

27 The people and territory, through their elected
28 municipal officials, and any quasi-municipal sewer
29 district serving the withdrawing people and territory
30 and any industrial user located in the withdrawing
31 territory shall negotiate in good faith with the dis-
32 trict over the terms of the withdrawal. Prior to the
33 trustees' vote, either the municipality, comprised of
34 the withdrawing people and territory, or the
35 quasi-municipal sewer district serving all or part of
36 the withdrawing people and territory shall agree in
37 writing to assume, in the event the trustees approve
38 the withdrawal, all debts, duties and obligations of
39 the district, existing as of the date of the
40 trustees' approval, which are directly related to any
41 sewage treatment facility located or to be located
42 within the withdrawing territory and shall also agree

1 to indemnify and hold the district harmless, in the
2 event the trustees approve the withdrawal, from and
3 against any and all claims, demands or obligations
4 arising out of or in connection with the debts,
5 duties and obligations being assumed, and further
6 the district shall agree to indemnify and hold the
7 party assuming the debts, duties and obligations
8 referred to in this paragraph harmless, in the event
9 the trustees approve the withdrawal, from and against
10 any and all claims, demands or obligations arising
11 out of or in connection with any debts, duties or
12 obligations of the district not assumed by the with-
13 drawing member municipality.

14 Nothing in this Act shall be construed to author-
15 ize any act which impairs any contractual obligations
16 within the meaning of the prohibitions against such
17 acts contained in the Constitution of Maine, Article
18 I, Section 11 and the United States Constitution,
19 Article I, Section 10.

20 Upon the approval of the request for withdrawal
21 by majority vote of the trustees, the district shall
22 have no further authority to act in the municipality
23 comprised of the withdrawing people and territory.

24 **Sec. 7. Acquisition of facility upon withdrawal.**
25 Upon the withdrawal of any portion of the people and
26 territory of Aroostook Prestile Treatment District
27 therefrom, the municipality comprised of the with-
28 drawing people and territory or a quasi-municipal
29 sewer district serving all or part of that municipali-
30 ty, if one exists, shall have the authority to plan,
31 acquire facilities for, construct, operate, maintain
32 or improve a sewage treatment plant or plants, inter-
33 ceptor and collector lines, sewers, pumping stations
34 and other facilities necessarily incident thereto
35 within the municipality comprised of the withdrawing
36 people and territory.

37 **Sec. 8. Presque Isle Sewer District reinvested**
38 **with authority upon withdrawal from Aroostook**
39 **Prestile Treatment District.** In the event the people
40 and territory of the City of Presque Isle withdraw
41 from Aroostook Prestile Treatment District pursuant
42 to this Act, Presque Isle Sewer District, originally
43 incorporated pursuant to Private and Special Law

1 1925, chapter 80, as amended, and as reincorporated
2 by Private and Special Law 1937, chapter 80, is
3 hereby reinvested with all authority granted to it
4 prior to the date of incorporation of the Aroostook
5 Prestile Treatment District pursuant to Private and
6 Special Law 1973, chapter 95. Furthermore, all acts
7 and actions done and performed heretofore by Presque
8 Isle Sewer District, pursuant to the above referenced
9 statutes, are hereby authorized and ratified.

10

STATEMENT OF FACT

11 The Aroostook Presque Isle Treatment District
12 (APTD) was formed in 1973 to assist the communities
13 of Presque Isle, Caribou and Easton in building a
14 joint sewage treatment plant and obtaining available
15 state and federal financial assistance. Since that
16 time, it has been determined that one single plant is
17 not feasible and plans have been made for separate
18 plants. For this reason, the trustees of the Presque
19 Isle Sewer District (PISD) and the municipal offi-
20 cials of Presque Isle believe that the PISD should
21 own and operate sewage treatment facilities built
22 primarily for the benefit of Presque Isle. This bill
23 provides a mechanism for Presque Isle or any other
24 participating municipality to withdraw from APTD.

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