

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1746

7 H.P. 1237

House of Representatives, December 27, 1985

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Received by the Clerk of the House on December 27, 1985. Referred to  
11 the Committee on Utilities and 1,600 ordered printed pursuant to Joint Rule  
14.

EDWIN H. PERT, Clerk

Presented by Representative Murphy of Kennebunk.

12 Cosponsored by Senator Dutremble of York, Representative Seavey of  
Kennebunkport and Representative Wentworth of Wells.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Amend the Charter of the Kennebunk,  
19 Kennebunkport and Wells Water  
20 District.  
21

22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, the present water system of the  
26 Kennebunk, Kennebunkport and Wells Water District is  
27 inadequate to serve the rapidly growing needs of its  
28 customers and certain capital improvements are imme-  
29 diately necessary to meet the demand; and

30 Whereas, in the judgment of the Legislature,  
31 these facts create an emergency within the meaning of  
32 the Constitution of Maine and require the following  
33 legislation as immediately necessary for the preser-  
34 vation of the public peace, health and safety; now,  
35 therefore,

1 Be it enacted by the People of the State of Maine as  
2 follows:

3 P&SL 1921, c. 159, §11-A is enacted to read:

4 11-A. System development charge. In addition to  
5 the provisions of section 11, the governing body of a  
6 municipal water department or quasi-municipal water  
7 district may establish and file, pursuant to the  
8 Maine Revised Statutes, Title 35, section 69 or sec-  
9 tion 72, a system development charge which is just  
10 and reasonable to provide funds to finance capital  
11 outlays for water system expansion caused by an in-  
12 crease in demand for service. The funds generated by  
13 the system development charge shall be deposited into  
14 a special account of the municipal water department  
15 or quasi-municipal water district dedicated to fi-  
16 nance capital outlays for water system expansion  
17 caused by an increase in demand for service. The  
18 funds from the special account shall be used only for  
19 the purpose of financing the expansion of the system  
20 and shall not be used for the repair or replacement  
21 of existing facilities unless the replacement is re-  
22 quired as a result of increased demand for service.  
23 The system development charge shall not be treated as  
24 income of the municipal water department or quasi-mu-  
25 nicipal water district nor shall it be considered  
26 part of the rates established and filed pursuant to  
27 section 11. The system development charge may be  
28 assessed upon all customers of the municipal water  
29 department or quasi-municipal water district that re-  
30 quire new connections to the water system, excluding  
31 fire service, as of or after the effective date of  
32 this section and upon all existing customers of the  
33 municipal water department or quasi-municipal water  
34 district who expand their demand for water service as  
35 of or after the effective date of this section.

36 **Emergency clause.** In view of the emergency cited  
37 in the preamble, this Act shall take effect when ap-  
38 proved.

1

STATEMENT OF FACT

2           Recent and dramatic increases in population with-  
3 in the Kennebunk, Kennebunkport and Wells Water Dis-  
4 trict have placed substantial constraints on the cur-  
5 rent water system and compel the expansion of exist-  
6 ing facilities. The current water rates do not pro-  
7 vide funds for future capital improvements to the wa-  
8 ter system. This bill clarifies that the board of  
9 trustees of the district may establish a system-wide  
10 charge to finance the costs of district expansion and  
11 development. Such charge shall permit the payment of  
12 development costs in an equitable manner and shall  
13 promote rate fairness among district customers.

14           This bill shall be regarded as supplemental and  
15 additional to powers conferred by other laws and  
16 shall not be regarded as in derogation of any powers  
17 now existing.

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