

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1238, L.D. 1747)
3 (New Title)
4 SECOND REGULAR SESSION
5

6 ONE HUNDRED AND TWELFTH LEGISLATURE
7

8 Legislative Document

No. 2357

9
10 H.P. 1672 House of Representatives, April 10, 1986
11 Reported by Representative Vose from the Committee on Utilities and
12 printed under Joint Rule 2. Original bill sponsored by Representative Rolde
of York. Cosponsored by Representative Murphy of Kennebunk and Senator
Clark of Cumberland.

13 EDWIN H. PERT, Clerk

14
15 STATE OF MAINE
16

17 IN THE YEAR OF OUR LORD
18 NINETEEN HUNDRED AND EIGHTY-SIX
19

20 AN ACT to Fairly Apportion the Cost of Water
21 System Extensions or Service Lines.
22

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

26 Whereas, all water departments and quasi-municipal
27 water districts are required to invest in exten-
28 sions to water mains and expansions to their water
29 systems; and

30 Whereas, several water departments and quasi-municipal
31 water districts are experiencing and will
32 continue with growth to experience increasing finan-
33 cial hardship due to the present rules and regula-
34 tions requiring major investments in extensions which
35 result in an undue burden on all existing water cus-
36 tomers; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

7 Be it enacted by the People of the State of Maine as
8 follows:

9 35 MRSA §72-A is enacted to read:

10 §72-A. Apportionment of costs for water main exten-
11 sions or service lines

12 1. Investment. The governing body of a municipi-
13 pal water department or quasi-municipal water dist-
14 trict may choose to make no investment in a water
15 main extension or service line and may require pers-
16 ons requesting a water main extension or service
17 line to advance to the department or district the
18 full cost of construction, including associated ap-
19 purtenances required solely as a result of the con-
20 struction of the water main extension or service line
21 and used solely for the operation of the main exten-
22 sion or service line. Apportionment of the costs
23 among customers shall be determined by the commission
24 by rule.

25 2. Definitions. For the purposes of this sec-
26 tion, a water main extension is an extension of the
27 pipeline, including associated appurtenances, from an
28 existing water main to serve a previously unserved
29 location or a location served by a seasonal main, and
30 a service line is the pipeline including the meter
31 and other appurtenances extending from a water main
32 to the building or other premises served.

33 3. Assessments. The governing body of a municipi-
34 pal water department or quasi-municipal water dist-
35 trict may assess the full cost of water main exten-
36 sions on all property that abuts the water main in
37 accordance with rules promulgated by the governing
38 body. The owner of any property which is not hooked
39 up to the water system may defer payment of the as-
40 essment until it is hooked up. The governing body

1 by rule may exempt appropriate classes of property
2 from the assessment and may provide for payment of an
3 assessment over a period of time.

4 4. Review by elected local officials. If the
5 governing body of the municipal water department or
6 quasi-municipal water district is not an elected
7 body, any decision to make no investment under sub-
8 section 1 or to assess under subsection 3 must first
9 be endorsed by the municipal officers of the municipi-
10 pality or municipalities involved, prior to filing
11 with the commission.

12 Emergency clause. In view of the emergency cited
13 in the preamble, this Act shall take effect when ap-
14 proved.

15 STATEMENT OF FACT

16 This new draft changes the language for clarity
17 and retains the intent of the original bill to autho-
18 rize the governing body of a municipal or quasi-mu-
19 nicipal water utility to require persons served by a
20 water main extension or service line to pay for it.
21 The Public Utilities Commission will establish rules
22 for apportionment of the costs among customers. The
23 new draft only deals with water main extensions or
24 service lines, not with other kinds of expansions.

25 The new draft also authorizes the utility to
26 charge an assessment on all property abutting a water
27 main extension, although the property owner may defer
28 payment for property which is not hooked up until it
29 is hooked up. The governing body will establish
30 rules governing exemptions, payment schedules and
31 other details.

1 The provisions of the Maine Revised Statutes, Ti-
2 tle 35, section 72-A, shall be available to any mu-
3 nicipal water department or quasi-municipal water
4 district unless specifically prohibited by the
5 charter of that entity. In cases where the water
6 utility officials are not elected, the new draft re-
7 quires review by the municipal officers.

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