

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 215

H.P. 171 House of Representatives, February 4, 1987
Reference to the Committee on Utilities suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Kennebunk.

Cosponsored by Senator DUTREMBLE of York, Representatives
ROLDE of York and SEAVEY of Kennebunkport.

STATE OF MAINE

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

1 AN ACT to Amend the Charter of the
2 Kennebunk, Kennebunkport and Wells
3 Water District.
4

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

8 Whereas, the present water system of the
9 Kennebunk, Kennebunkport and Wells Water District is
10 inadequate to serve the rapidly growing needs of its
11 customers and certain capital improvements are imme-
12 diately necessary to meet the demand; and

13 Whereas, in the judgment of the Legislature,
14 these facts create an emergency within the meaning of
15 the Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-
2 vation of the public peace, health and safety; now,
3 therefore,

4 Be it enacted by the People of the State of Maine as
5 follows:

6 P&SL 1921, c. 159, Section 11-A is enacted to
7 read:

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

37 Notwithstanding anything in the Maine Revised
38 Statutes, Title 35, section 73-A to the contrary, the
39 charge shall take effect immediately and shall not be
40 subject to review by the Public Utilities Commission
41 nor shall the commission have the authority to reduce
42 the district's rates as a result of the charge.

1 Emergency clause. In view of the emergency cited
2 in the preamble, this Act shall take effect when ap-
3 proved.

4

STATEMENT OF FACT

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

18 This bill shall be regarded as supplemental and
19 additional to powers conferred by other laws and
20 shall not be regarded as in derogation of any powers
21 now existing.

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