

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
THIRD SPECIAL SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2674

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H.P. 1976 House of Representatives, September 12, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Received by the Clerk of the House on September 9, 1988.  
Referred to the Committee on Utilities and ordered printed  
pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk  
Presented by Representative JOSEPH of Waterville.  
Cosponsored by Senator KANY of Kennebec and  
Representative JACQUES of Waterville.

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STATE OF MAINE

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

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1 AN ACT to Make Technical Changes in the  
2 Charter of the Waterville Sewerage  
3 District.  
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5 Emergency preamble. Whereas, Acts of the  
6 Legislature do not become effective until 90 days  
7 after adjournment unless enacted as emergencies; and

8 Whereas, language was inadvertently omitted from  
9 previous amendments to the Waterville Sewerage

1 District; and

2 Whereas, it is necessary to restore the omitted  
3 language in order to resolve ambiguities in the  
4 district's authority resulting from that omission; and

5 Whereas, in the judgment of the Legislature, these  
6 facts create an emergency within the meaning of the  
7 Constitution of Maine and require the following  
8 legislation as immediately necessary for the  
9 preservation of the public peace, health and safety;  
10 now, therefore,

11 Be it enacted by the People of the State of Maine as  
12 follows:

13 P&SL 1949, c. 211, §10, as amended by P&SL 1987,  
14 c. 22 is repealed and the following enacted in its  
15 place:

16 Sec. 10. Rates; applications of revenue; sinking  
17 fund. All individuals, firms and corporations,  
18 whether private, public or municipal, shall pay to the  
19 treasurer of the district the rates and assessments  
20 established by the commissioners to pay for the cost  
21 of the works and for the service used by them. The  
22 rates shall not be discriminatory within the territory  
23 served by the district. Prior to adoption of a new  
24 rate schedule, the commissioners shall hold a public  
25 hearing regarding the proposed rate schedule. The  
26 commissioners shall publish the proposed rates and  
27 notice of the hearing not less than once in a  
28 newspaper of general circulation in the City of  
29 Waterville not less than 7 days prior to the hearing.  
30 The district shall mail to each ratepayer a notice of  
31 the public hearing and the proposed new rate at least  
32 14 days prior to the hearing.

33 The rates may include a readiness-to-serve charge  
34 against owners or persons in possession, or against  
35 whom taxes are assessed, of all buildings or premises  
36 intended for human habitation or occupancy, which are  
37 accessible to sewers or drains of the district, but  
38 not actually connected to them, whether or not the  
39 buildings or premises are occupied. Buildings or

1 premises shall be deemed to be accessible to a sewer  
2 or drain of the district for purposes of this section  
3 if the buildings or premises, or any private sewer or  
4 drain directly or indirectly connected to it or  
5 carrying waste water or commercial or industrial waste  
6 from it, comes at any point within 100 feet of a sewer  
7 or drain of the district, provided that the owner of  
8 the building is not required to acquire any real  
9 property or easement in real property for the sole  
10 purpose of making the connection.

11 The rates shall be so established as to provide  
12 revenue for the following purposes:

13 1. To pay the current expenses for operating and  
14 maintaining the sewerage system;

15 2. To provide for the payment of the interest on  
16 the indebtedness created or assumed by the district;  
17 and

18 3. To provide each year a sum equal to not less  
19 than 1% of the entire indebtedness created or assumed  
20 by the district, which sum shall be turned into the  
21 sinking fund to provide for the extinguishment of that  
22 indebtedness. The commissioners may, in their  
23 discretion and in lieu of the establishment of a  
24 sinking fund, issue the bonds of the district so that  
25 not less than 1% of the amount of the bonds so issued  
26 shall mature and be retired each year. If any surplus  
27 remains at the end of the year, it may be turned into  
28 the sinking fund.

29 The commissioners, on written application stating  
30 the grounds thereof, may make such reasonable  
31 abatements as they think proper of any rates or  
32 assessments.

33 Emergency clause. In view of the emergency  
34 cited in the preamble, this Act shall take effect when  
35 approved.

1 STATEMENT OF FACT

2 This bill restores language to the charter of the  
3 Waterville Sewerage District which was inadvertently  
4 omitted when the charter was previously revised.

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