

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

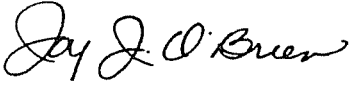
No. 1840

S.P. 702

In Senate, December 8, 1989

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

Received by the Secretary of the Senate on December 8, 1989. Referred to the Committee on Utilities and 1,600 ordered printed pursuant to Joint Rule 14.


JOY J. O'BRIEN
Secretary of the Senate

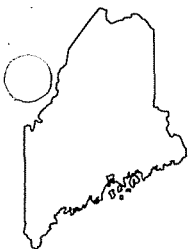
Presented by Senator GOULD of Waldo.
Cosponsored by Representative HUTCHINS of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Charter of the Castine Water District.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the provisions of Private and Special Laws of 1961
6 creating the Castine Water District limit its total indebtedness
to the sum of \$250,000; and

8 Whereas, the Castine Water District may have to soon borrow
10 large sums of money to repair, improve and expand the present
water supply and distribution system to meet the water needs of
12 the Town of Castine; and

14 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore,

20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1.** P&SL 1961, c. 67, §6, first ¶, is amended by inserting
after the 2nd sentence a new sentence to read:

24 The municipal officers of the Town of Castine shall also appoint
26 an alternate member of the board who will attend trustee meetings
28 and be authorized to vote therein in the absence of a trustee.

30 **Sec. 2.** P&SL 1961, c. 67, §11, first sentence, is amended to read:

32 For accomplishing the purposes of this act Act, said water
district, through its trustees, is authorized to borrow money
temporarily, and to issue therefor the interest-bearing
34 negotiable notes of the district, and for the purpose of
refunding the indebtedness so created, of paying any necessary
36 expenses and liabilities incurred under the provisions of this
act Act, including the expenses incurred in the creation of the
38 district, in acquiring the aforesaid properties and franchises of
the Castine Water Company, by purchase or otherwise, of securing
40 sources of supply, taking water and land, paying damages, laying
pipes, constructing, maintaining and operating a water plant and
42 making extensions, additions and improvements to the same, the
said district, through its trustees, may from time to time issue
44 bonds of the district to an amount necessary in the judgment of
the trustees therefor, but shall not incur a total indebtedness
46 exceeding the sum of ~~\$250,000~~ \$2,000,000.

48 **Sec. 3.** P&SL 1961, c. 67, §13-A is enacted to read:

50 Sec. 13-A. Impact fees; water main extensions or service lines;
systems development charges.

2 1. The district is authorized to choose whether to invest
4 in a water main extension or service line or whether to require
6 persons requesting a water main extension or service line to
8 advance to the district the full cost of construction, including
10 associated appurtenances required solely as a result of the
 construction of the water main extension or service line and used
 solely for the operation of the main extension or service main.
 Apportionment of the costs among customers shall be determined by
 the Public Utilities Commission by rule.

12 2. The district may assess the full cost of water main
14 extensions on all property that abuts the water main in
16 accordance with rules promulgated by the district trustees. The
18 owner of any property that is not connected to the water system
20 may defer payment of the assessment until it is connected. This
 district may exempt appropriate classes of property from the
 assessment and may provide for payment of an assessment over a
 period of time.

22 3. The district trustees' decision to make no investment
24 under subsection 1 or to assess under subsection 2 must first be
 endorsed by the municipal officers of the Town of Castine prior
 to filing with the Public Utilities Commission.

26 4. The district trustees may establish and file, pursuant
28 to the Maine Revised Statutes, Title 35-A, section 310 or 6104, a
30 system development charge that is just and reasonable to provide
 funds to finance capital outlays for water system expansion
 caused by an increase in demand for service.

32 5. If the district elects to institute a system development
34 charge, it shall file the proposed charge and a description of
36 the basis of the charge with the Public Utilities Commission not
 less than 90 days before the effective date of the charge.

38 6. The funds generated by the system development charge
40 shall be deposited into a special account of the district
42 dedicated to finance capital outlays for water system expansion.
44 The funds from the special account shall be used only for the
 purpose of financing the expansion of the system and shall not be
 used for the repair or replacement of the existing facilities
 unless the replacement is required as a result of increased
 demand for service.

46 7. The system development charge may be assessed upon all
48 customers of the district that require new connections to the
50 water system, excluding fire service, and upon all existing
 customers that substantially expand their water service after the
 effective date of that charge.

2 8. Any system development charge must first be endorsed by
3 the municipal officers of the Town of Castine prior to filing
4 with the Public Utilities Commission.

6 Emergency clause. In view of the emergency cited in the
7 preamble, this Act shall take effect when approved.

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STATEMENT OF FACT

12 This bill amends the charter of the Castine Water District
13 to make long-term arrangements for the provision and delivery of,
14 and payment for, a sufficient and suitable water supply to the
15 Town of Castine.