

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 709

S.P. 251

Received by the Secretary, February 19, 1991

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KANY of Kennebec


Cosponsored by Representative JACQUES of Waterville, Representative JOSEPH of
Waterville and Representative POULIN of Oakland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Provide for Fiscal Year Accounting and Pretreatment
Provisions for the Kennebec Sanitary Treatment District.**

Printed on recycled paper

A simple line drawing outline of the state of Maine, located in the bottom left corner of the page.

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

2
3 Sec. 1. P&SL 1971, c. 45, §3, as amended by P&SL 1975, c. 128,
4 §§5 to 7, is further amended by adding at the end a new paragraph
5 to read:

6
7 The trustees are entitled to receive compensation as
8 recommended by them and approved by majority vote of the
9 municipal officers in municipalities representing a majority of
10 the population within the district, including compensation for
11 any duties they perform as officers as well as for their duties
12 as trustees. Certification of such a vote must be recorded with
13 the Secretary of State and recorded in the bylaws of the
14 district. The compensation for duties as trustees must be on the
15 basis of such specified amount as may be specified in the bylaws
16 for each meeting actually attended and reimbursement for travel
17 and expenses with the total not to exceed such specific amount as
18 may be specified in the bylaws. Compensation schedules in effect
19 on January 1, 1990, continue in effect until changed.

20
21 Sec. 2. P&SL 1971, c. 45, §10, 3rd ¶, as amended by P&SL 1983, c.
22 18, §2, is further amended to read:

23 The trustees district may by order, rule or regulation
24 require industrial pretreatment of wastes discharged into its
25 sewage treatment or into any system connecting with it, or such
26 industrial pretreatment as may be required by any federal or
27 state order, rule or regulation.

28
29 Sec. 3. P&SL 1971, c. 45, §10, 4th ¶, first sentence is amended to
30 read:

31
32 In addition to any other remedy, the Superior Court shall
33 have jurisdiction upon a complaint filed by the district to
34 restrain or enjoin any person, firm, corporation or municipality
35 from committing any act which that may damage or impair its
36 sewage treatment or which is prohibited by any order, rule or
37 regulation of the district, including, without limitation, any
38 order, rule or regulation pertaining to the pretreatment of
39 industrial waste.

40
41 Sec. 4. P&SL 1971, c. 45, §10, as amended by P&SL 1983, c. 18,
42 §§1 and 2, is further amended by adding at the end a new
43 paragraph to read:

44
45 Any person who violates any provision of the laws
46 administered by the district, including without limitation a
47 violation of the terms or conditions of any order, rule or
48 regulation of the district, is subject to a civil penalty,
49 payable to the district, of not more than \$2,000 for each day of
50 that violation. The district may recover the civil penalty by
51 civil action in the District Court or Superior Court.

2 **Sec. 5. P&SL 1971, c. 45, §12**, as repealed and replaced by P&SL
3 1983, c. 18, §3, is amended to read:

4
5 **Sec. 12. Injury to property of district.** Any person who shall
6 place, ~~discharge places, discharges~~ or leave ~~leaves~~ any offensive
7 or injurious matter or material on or in the conduits, catch
8 basins or receptacles of the district contrary to its
9 regulations, or shall knowingly ~~injure~~ injures any conduit, pipe,
10 reservoir, flush tank, catch basin, manhole, outlet, engine, pump
11 or other property held, owned or used by the district shall ~~be~~ is
12 liable to pay twice the amount of the damages \$2,000 for each day
13 of violation to the district, to be recovered in any proper
14 action; and that person and any person who violates section 10 is
15 guilty of a Class E crime.

16
17 **Sec. 6. P&SL 1971, c. 45, §15, first ¶**, as amended by P&SL 1975, c.
18 128, §12, is further amended to read:

19
20 **Sec. 15. Determination of annual apportionable costs.** The fiscal
21 year of the district ~~shall be the calendar year, is determined by~~
22 the trustees and the trustees shall, prior to January-15th the
23 first day of the 2nd month of each fiscal year following the
24 acceptance of this Act, determine the total anticipated sums
25 necessary to provide for the operation and maintenance of the
26 district and its facilities for the year and adopt a budget for
27 that year. The district trustees shall also determine the
28 portion of the total sums to be raised for the calendar fiscal
29 year, the amounts to be apportioned to said towns and the
30 Waterville Sewerage District.

31
32 **Sec. 7. P&SL 1971, c. 45, §15**, as amended by P&SL 1981, c. 26,
33 §§1 and 2, is further amended by adding after the first paragraph
34 a new paragraph to read:

35
36 To effect a transition to a different fiscal year, the
37 district may adopt a budget, determine the portion of the total
38 sums to be raised for that budget and the amounts to be
39 apportioned for one or more fiscal years not longer than 18
40 months each.

41
42 **Sec. 8. P&SL 1971, c. 45, §15, last ¶, first sentence**, as amended by
43 P&SL 1981, c. 26, §1, is further amended to read:

44
45 If a surplus exists at the end of a calendar fiscal year, it
46 may be transferred to a surplus account ~~which shall~~ that may not
47 exceed \$100,000.
48

2 The changes to the charter proposed in this bill were discussed
at a public hearing on November 1, 1990, and were approved
unanimously by vote of the district's board of trustees on
4 November 21, 1990.