

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 877

S.P. 321

Received by the Secretary, February 26, 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 BUSTIN of Kennebec

Cosponsored by Representative PARADIS of Augusta, Representative DAGGETT of Augusta and Representative NORTON of Winthrop.

STATE OF MAINE

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

**An Act to Amend the Augusta Sanitary District Charter to Comply with
Federal Sewerage Pretreatment Requirements.**

(EMERGENCY)



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

Whereas, the Augusta Sanitary District must be in compliance with applicable federal regulations to avoid violation of its federal pretreatment permit; and

Whereas, the federal pretreatment program requirements included in this legislation are now in effect; and

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

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

Sec. 1. P&SL 1955, c. 139, §13, as repealed and replaced by P&SL 1983, c. 17, is amended to read:

Sec. 13. Sanitary provisions and penalty for violation. Any A person who violates the provisions of this charter or the regulations a rule, regulation or order of the district promulgated in accordance with the authority granted hereunder is liable to pay twice the amount of the damage to the district, to be recovered in any proper action. Any under this charter; a person who places, discharges or leaves any offensive or injurious matter or material on or in the sewer conduits, sewer catch basins or sewer receptacles of the district contrary to its sewer use regulations; or a person who knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district for sewer purposes, is liable to pay twice the amount of the damage to the district, to be recovered in any proper action, may be enjoined by a court order from committing any such act and that person is guilty of a Class E crime.

An industrial user who produces industrial waste and violates any order, rule or regulation pertaining to the pretreatment of industrial waste when that pretreatment is required by local, state or federal law, rule, regulation or ordinance may be enjoined from a violation and is assessed a per day penalty for each violation, the minimum amount of which is set by the federal Environmental Protection Agency Effluent Guidelines and Standards Regulations. That person is guilty of a Class E crime. The district may seek injunctive relief and may recover the penalty by a civil action in District Court or Superior Court.

2 Sec. 2. P&SL 1955, c. 139, §21, 2nd paragraph, first sentence, as
enacted by P&SL 1969, c. 49, is amended to read:

4 Said The district is authorized and empowered to use any and
6 all of its charter rights, powers and privileges for this
purpose, and including without intending to be all inclusive, the
8 right to acquire and hold real estate and personal estate
necessary and convenient therefor; to take and hold by purchase,
10 lease or the exercise of the right of eminent domain or otherwise
any land or real estate or easement therein, within in or outside
12 the area of the district, necessary for forming basins,
reservoirs and outlets, for erection of buildings for pumping
14 works and sewage treatment, for laying pipes and maintaining the
same, for laying and maintaining conduits and appurtenances for
16 carrying and collecting, discharging and disposing of sewage
matter and for other objects necessary, convenient and proper
18 therefor; to establish through and by its commissioners
regulations for the use of the sewers and fix and collect the
20 prices to be paid for entering the same and the service charges
for the use thereof of the sewers; to enter into contract with
22 persons, corporations or municipalities, within in or outside the
area of the district, including Winthrop Water District, the
24 inhabitants of the Town of Manchester, the City of Hallowell and
any quasi-municipal corporation or district formed or to be
26 formed, to care for or treat sewage or drainage from laterals or
otherwise through the district's system; to lay down, in and
28 through the streets and highways, within in or outside the area
of the district, and to take up, replace and repair all such
30 conduits, pipes and fixtures as may be necessary or desirable for
said that purpose; to carry and lay conduits and pipes under any
32 water course, lake, way, public or private, or railroad and to
cross any water pipe, gas pipe, electric conduit, drain or sewer
34 pursuant to this ~~chapter~~ section; to make and file assessments
and liens for the cost thereof of laying the conduits and pipes;
36 to issue notes and bonds through its commissioners without
district vote in one series or in separate series from time to
38 time and to make subsequent renewals of the same in whole or in
part to provide for the financing thereof of laying the conduits
40 and pipes; to establish and collect rates and enforce the
collection thereof of the rates by lien and otherwise; to enforce
42 by injunction and assess per diem penalties for violation by any
industrial user who produces industrial waste of the federal,
44 state or local laws, rules, regulations, ordinances or orders
regarding pretreatment of industrial waste; to apply for and
46 receive state and federal loans, grants and other forms of aid;
and in general to use any and all of its charter rights, powers
48 and privileges along said the sewer line as though the same were
solely within in the area of the district.

50 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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