



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 919

H.P. 645

House of Representatives, March 1, 1991

Reference to the Committee on Utilities suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Berwick. Cosponsored by Senator CARPENTER of York and Representative FARNUM of South Berwick.

STATE OF MAINE

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

An Act to Amend the Charter of the Berwick Sewer District.

(EMERGENCY)

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

Whereas, if the Berwick Sewer District allows more abutters on its lines, the district will be in violation of its National Pollutant Discharge Elimination System permit; and

Whereas, the Berwick Sewer District needs the authority to refuse abutting owners to enter upon the district's lines before the 90-day period after adjournment has elapsed; 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:

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P&SL 1963, c. 154, §9 is amended to read:

Sec. 9. Rights of abutters or others to enter. The district at all times shall-be is bound to permit the owners of premises abutting 24 upon its lines of pipes and conduits to enter the same with all proper sewage upon conformity to the rules and regulations of the 26 district and the payment of the rates, prices and rentals established therefor by the district. The district is not bound 28 to permit the owners of premises abutting upon its lines of pipes and conduits to enter the same unless the entry is consistent 30 with all state and federal permits and licenses issued to the 32 district. No A person may not enter his a private sewer into the sewer pipes and conduits of the district until he the person has obtained a permit in writing from the trustees of the district 34 and conformed to the rules and regulations of the district. All 36 such permits shall must be recorded by the clerk of the district in its records before the same are issued.

40 preamble, this Act takes effect when approved.

STATEMENT OF FACT

The Department of Environmental Protection has informed the Berwick Sewer District that the district may not allow any more persons to enter its sewer system without violating its National Pollutant Discharge Elimination System permit issued under the federal Clean Water Act. The district's charter requires the district to allow abutters to enter the sewer system upon payment of the rates, prices and rentals established by the district and

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conformity with the district's rules and regulations. The charter provides no relief to the district from this obligation. This bill provides that mandatory entry into the sewer system must be consistent with the district's state and federal permits and licenses.

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