

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1853

H.P. 1283

House of Representatives, May 14, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

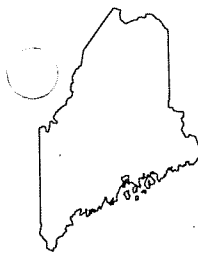
Presented by Representative O'DEA of Orono.

STATE OF MAINE

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

An Act to Require Campuses of the University of Maine System to Obtain the Approval of Local Planning Boards, Sanitary and Sewer Districts and the Public Utilities Commission before Undertaking New Projects.

(EMERGENCY)



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

Whereas, the laws now exempt the State, including the
University of Maine System, from full compliance with local
zoning and land use laws; and

Whereas, projects initiated by the University of Maine
System are generally of a large scale and have a significant
impact on the surrounding community, water supplies and electric
transmission capabilities; and

Whereas, the University of Maine System is planning and
building certain projects that should be reviewed prior to the
expiration of the 90-day period; 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. 30-A MRSA §4352, sub-§6, as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10, is further amended to read:

6. Effect on State. Any zoning ordinance is advisory with
respect to the State, except for the University of Maine System,
which is subject to any zoning ordinance.

Sec. 2. 35-A MRSA §6102, as enacted by PL 1987, c. 141, Pt.
A, §6, is amended by adding at the end a new paragraph to read:

Before commencing construction of a building or facility
that will be connected to an existing water system, the
University of Maine System shall file plans and specifications
for the construction with the commission, in accordance with
rules adopted by the commission pursuant to Title 5, chapter
375. The commission shall evaluate the impact on existing water
systems and adherence to proper engineering standards and shall
approve or deny the construction of the new facility.

Sec. 3. 38 MRSA §1164 is enacted to read:

§1164. University facilities

Before commencing construction of a building or facility
that will be connected to an existing sewer line or that will

2 require the construction of a new sewer line, the University of
3 Maine System shall file, in accordance with rules adopted by the
4 Public Utilities Commission pursuant to Title 5, chapter 375, the
5 plans and specifications for the construction with the trustees
6 of any affected sanitary district and with the Public Utilities
7 Commission. The trustees and the commission shall review the
8 plans for the new facility and, based on the impact on existing
9 sewer facilities and adherence to proper engineering standards,
10 shall approve or deny the construction of the new facility.

11 Sec. 4. 38 MRSA §1255 is enacted to read:

12 §1255. University facilities

13 Before commencing construction of a building or facility
14 that will be connected to an existing sewer line or that will
15 require the construction of a new sewer line, the University of
16 Maine System shall file, in accordance with rules adopted by the
17 Public Utilities Commission pursuant to Title 5, chapter 375, the
18 plans and specifications for the construction with the trustees
19 of any affected sewer district and with the Public Utilities
20 Commission. The trustees and the commission shall review the
21 plans for the new facility and, based on the impact on existing
22 sewer facilities and adherence to proper engineering standards,
23 shall approve or deny the construction of the new facility.

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

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30 STATEMENT OF FACT

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32 This bill provides that the University of Maine System is
33 subject to local zoning and land use restrictions and procedural
34 requirements.

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36 The bill further provides that the University of Maine
37 System must file copies of the plans and specifications for new
38 facilities with the Public Utilities Commission and the trustees
39 of any affected sewer district in order that the impact of the
40 proposed facility on existing water and sewer facilities can be
41 evaluated and the reviewing authorities may approve or deny the
42 construction of the new facility.
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