

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 830

H.P. 615

House of Representatives, March 9, 1993

**An Act Amending the Charter of the Brewer Water District.**

(EMERGENCY)

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Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative RUHLIN of Brewer.

Cosponsored by Representative: CAMPBELL of Holden, Senator: O'DEA of Penobscot.

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

4           Whereas, certain provisions of the Charter of the Brewer  
6 Water District are inadequate for the Brewer Water District to  
carry out its functions; and

8           Whereas, uninterrupted collection and distribution of water  
10 is essential to the health and welfare of the customers of the  
Brewer Water District; and

12           Whereas, the Brewer Water District needs the power to adopt  
14 bylaws in order to preserve the purity of Hatcase Pond, the  
primary water source for the City of Brewer, consistent with a  
16 federally mandated implementation schedule under the Safe  
Drinking Water Act; and

18           Whereas, the charter of the Brewer Water District does not  
20 exempt from property taxation property owned by the district but  
located outside of the City of Brewer; and

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

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

30           **Sec. 1.** P&SL 1945, c. 146, §13 is repealed and the following  
32 enacted in its place:

34           **Sec. 13. Property tax exempt.** The property of the Brewer Water  
District, wherever located, is exempt from taxation.

36           **Sec. 2.** P&SL 1945, c. 146, §§14-A and 14-B are enacted to read:

38           **Sec. 14-A. General bylaw authority.** The Brewer Water District  
40 has the power to adopt bylaws not inconsistent with the general  
laws of the State to prevent pollution of the water of Hatcase  
42 Pond and to preserve the purity of the water, and the district  
may prescribe penalties for the violation of those bylaws. Those  
44 bylaws may specifically restrict or prohibit boating, fishing or  
swimming, in a manner not inconsistent with the general laws of  
46 the State, to prevent pollution and to preserve the purity of the  
water. The bylaws have the same force and effect as municipal  
48 ordinances and the District Court has jurisdiction over  
violations.

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Sec. 14-B. Water quality. A person may not bathe, swim or wash articles of personal apparel in or upon the waters of Hatcase Pond. A person may not engage in or attempt to engage in boating or fishing in or upon the waters of Hatcase Pond within 2,000 feet of the intake of the Brewer Water District. A person who violates this section must be punished by a fine of not more than \$500 for each offense. The Department of Inland Fisheries and Wildlife shall enforce this section.

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

**STATEMENT OF FACT**

The Brewer Water District is required, pursuant to the federal Safe Drinking Water Act, to ensure a continued supply of potable water from Hatcase Pond. This bill prohibits bathing, swimming and washing articles of clothing in Hatcase Pond; imposes a restriction on certain uses within 2,000 feet of the intake valve of Brewer Water District; and authorizes the district to adopt bylaws consistent with the general laws of this State to prevent pollution of the water of Hatcase Pond. This bill also exempts Brewer Water District property from property tax regardless of its location.