

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 444

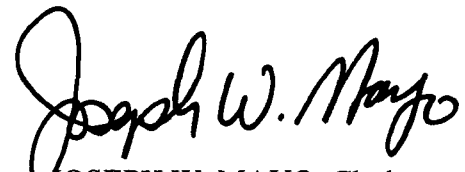
H.P. 323

House of Representatives, February 6, 1995

An Act to Establish the Saco River Corridor Fund.

(EMERGENCY)

Reported by Representative LEMKE for the Joint Standing Committee on Audit and Program Review of the 116th Legislature pursuant to the Maine Revised Statutes, Title 3, chapter 33.


JOSEPH W. MAYO, Clerk

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

4 **Whereas,** the Saco River Corridor Commission performs a
6 critical role in protecting the drinking water quality of the
rivers within the Saco River Corridor and should continue to do
8 so; and

10 **Whereas,** the Saco River Corridor Commission is in the
process of identifying sources of revenue sufficient to continue
12 to fulfill its mandate; and

14 **Whereas,** the Saco River Corridor Commission may cease to
operate unless a new source of partial funding is provided; and

16 **Whereas,** the Biddeford and Saco Water Company recognizes the
18 importance of clean water from rivers within the Saco River
Corridor for its customers; and

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

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

28 **Sec. 1. 38 MRSA §969** is enacted to read:

30 **§969. Saco River Corridor Fund**

32 **1. Fund established.** The Saco River Corridor Fund is
34 established as a private, interest-bearing account. All charges
collected pursuant to this section must be deposited into the
36 fund. All interest earned by the account becomes part of the
fund. Any balance remaining in the fund at the end of the fiscal
38 year does not lapse but is carried forward into subsequent fiscal
years. Revenue to the fund is collected, managed, deposited,
40 invested and disbursed in a manner that is independent of control
by the Department of Administrative and Financial Services.

42 **2. Fund purpose.** The purpose of the Saco River Corridor
44 Fund is to preserve existing water quality and prevent the
deterioration of water supplies in the Saco River, the Ossipee
46 River and the Little Ossipee River within the Saco River
Corridor, as defined by section 953, by partially underwriting
48 the administration and operation of the Saco River Corridor
Commission, as established by Title 5, section 12004-G,
50 subsection 13.

2 **3. Collection and disposition of fees.** The Biddeford and
3 Saco Water Company, established in Private and Special Law 1881,
4 chapter 124, section 1, may assess and collect a fee on its
5 residential customers equal to 1% of the amount charged for the
6 sale or distribution of water for drinking or for fire protection
7 services. The fee may be levied as a percentage increase on the
8 rates of the Biddeford and Saco Water Company. The total amount
9 assessed and collected pursuant to this section may not exceed
10 \$25,000 per 12-month period. The Biddeford and Saco Water
11 Company shall suspend or adjust assessment and collection of the
12 fee as necessary to ensure that the total amount assessed and
13 collected per 12-month period does not exceed \$25,000. The fee
14 may not be levied on commercial or industrial customers.

15 Any fees collected under this section must be remitted at least
16 quarterly by the Biddeford and Saco Water Company to the Saco
17 River Corridor Commission. The Biddeford and Saco Water Company
18 may retain a portion of the total fees collected equivalent to
19 the company's administrative costs incurred in the collection and
20 remission of the fees, not to exceed 2% of the total fees
21 collected. For purposes of the Public Utilities Commission's
22 rate-making authority, costs actually incurred by the Biddeford
23 and Saco Water Company associated with the collection and
24 remission of the fees for the Saco River Corridor Fund are deemed
25 just and reasonable for rate-making purposes. The Saco River
26 Corridor Commission shall adopt any rules that are reasonably
27 necessary to carry out the purposes of this section pursuant to
28 section 954-C.

29 **4. Reporting requirements.** The Saco River Corridor
30 Commission shall submit a report by February 1, 1996 and each
31 subsequent year to the joint standing committees of the
32 Legislature having jurisdiction over natural resources matters,
33 energy and utilities matters, fisheries and wildlife matters and
34 appropriations and financial affairs, identifying the amount
35 collected and how the fund was disbursed by the commission.

36 **Sec. 2. Review.** This Act must be reviewed by the Joint
37 Standing Committee on Natural Resources by February 1, 1997 to
38 determine whether additional sources of revenue to support the
39 activity and operations of the Saco River Corridor Commission
40 have been put into place. If the committee determines that
41 sufficient sources of additional revenue have not been put into
42 place by that date, the committee shall propose legislation that
43 repeals the Saco River Corridor Fund.

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

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STATEMENT OF FACT

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6 This bill establishes the Saco River Corridor Fund in order
to partially support the activities of the Saco River Corridor
Commission. The bill requires that, by February 1, 1997, the
8 Joint Standing Committee on Natural Resources shall review
whether additional sources of funding to support the Saco River
10 Corridor Commission have been put into place.