

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1253, Bill, "An Act to Amend the Charter of the Winterport Sewer District"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Charter of the Winterport Sewerage District'

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the Winterport Sewerage District immediately requires updated lien procedures in its charter; 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,'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. P&SL 1971, c. 143, §1, is amended to read:

Sec. 1. Incorporation. The territory and people comprising the Town of Winterport shall constitute a body politic and corporate under the name of the "Winterport Sewerage District" and referred to in this Act as "the district." The

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2 purpose of said ~~the~~ district shall ~~be~~ is to take over, control,
 4 manage and operate the sewers now owned by the Town of Winterport
 6 with all appurtenances thereto; to extend, increase, enlarge and
 8 improve ~~said drains and~~ sewers; to extend the present system so
 10 as to furnish sewerage facilities to portions of the town not now
 12 served with such facilities; to provide for ~~surface drainage as~~
 well as removal of sewage and to provide for treatment of sewage
 in whole or in part before discharging it into rivers when, as
 and if such treatment becomes necessary; and generally to provide
 a system of sanitary sewerage and ~~storm water drainage for~~ public
 purposes and for the health and comfort and convenience of the
 inhabitants of said the district.

14 Sec. 2. P&SL 1971, c. 143, §2-A is enacted to read:

16 2-A. Transfer to title to drains to Town of Winterport. Title to
 18 all public drains, storm water drains, catch basins and other
 20 surface water or storm water facilities owned by the district is
 22 transferred to the Town of Winterport. Title to all sanitary and
 24 sewer drains and facilities of the district remains with the
 26 district. Notwithstanding any provisions in this charter to the
contrary, the Town of Winterport is responsible for the
construction, maintenance and operation of all public drains,
storm water drains, catch basins and other surface water or storm
water facilities within the district and the district is relieved
of all such responsibility.'

28 Further amend the bill by inserting before the summary the
 following:

30 'Sec. 3. Emergency clause; referendum; effective date. In view of
 32 the emergency cited in the preamble, this Act takes effect when
 34 approved only for the purpose of permitting its submission to the
 36 legal voters within the district at a special or regular town
 38 meeting or election held prior to January 1, 1998. The election
 40 must be called, advertised and conducted according to the law
 42 relating to municipal elections, except that the registrar of
 voters is not required to prepare or the town clerk to post a new
 list of voters. The registrar of voters must be in session on
 the secular day next preceding the election. The town clerk
 shall prepare the required ballots, on which the town clerk shall
 reduce the subject matter of this Act to the following question:

44 "Do you favor amending the charter of the Winterport
 46 Sewerage District to conform its lien procedures to those
 48 used by sanitary districts and to require the Town of
 Winterport to be responsible for the construction,
 maintenance and operation of all public drains, storm water
 drains and catch basins in the district?"

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2 The voters shall indicate by a cross or check mark placed
against the word "Yes" or "No" their opinion on the question.

4
6 The results must be declared by the municipal officers of
the Town of Winterport and due certificate of the results filed
by the town clerk with the Secretary of State.

8
10 This Act takes effect immediately upon its acceptance by a
majority of the legal voters voting at the election.'

12 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
14 consecutively.

16
18

SUMMARY

This amendment:

- 20 1. Adds an emergency preamble;
- 22 2. Adds an emergency referendum clause;
- 24 3. Makes technical corrections; and
- 26 4. Transfers title to public drains, storm water drains and
- 28 catch basins within the Winterport Sewerage District to the Town
- 30 of Winterport.