

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2592

H.P. 1856

House of Representatives, February 29, 2000

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

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MURPHY of Kennebunk.
Cosponsored by Senator LaFOUNTAIN of York.

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

4
6 **Whereas,** this legislation requires referendum approval
before it can take effect; and

8 **Whereas,** this referendum is connected with the Town of
Kennebunk town meeting to be held on June 13, 2000; and

10
12 **Whereas,** unless this legislation is enacted before that
date, the referendum will require a special election, which would
be a considerable financial burden to the Town of Kennebunk; and

14
16 **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
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20
22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. P&SL 1955, c. 69, §1,** as amended by P&SL 1999, c. 11, §1
and affected by §2, is further amended by inserting after the
first paragraph a new paragraph to read:

26
28 The district is authorized to provide service outside the
territory of the district to school buildings and facilities
owned by Maine School Administrative District No. 71 and to
municipal buildings and facilities owned by the Town of Kennebunk
and may own such easements, rights-of-way, sewer lines and other
facilities as are necessary or convenient to provide that service
as long as the costs of locating and constructing sewer
facilities located outside the boundaries of the district for
that purpose are borne entirely by Maine School Administrative
District No. 71 or the Town of Kennebunk and that any sewer
facilities located outside the boundaries of the district for
that purpose are used only by Maine School Administrative
District No. 71 or the Town of Kennebunk.

40 **Sec. 2. P&SL 1955, c. 69, §2** is amended to read:

42
44 **Sec. 2. Authority to contract and maintain.** Within said
territory and outside the territory to serve buildings and
facilities owned by Maine School Administrative District No. 71
and the Town of Kennebunk, said Kennebunk Sewer District is
46 hereby authorized to lay pipes, drains, sewers and conduits, and
48 to take up, repair and maintain the same or to contract for the
same to be done, in and along the public ways, private ways and
50 public grounds, and through lands of any person or corporation as

2 hereinafter provided in this Act, to and into tidal waters,
3 rivers, watercourses or filtration plants or to or into any drain
4 or sewer now or hereafter built which that empties into tidal
5 waters, rivers or into any watercourse or filtration plant, the
6 discharge ~~therefrom~~ from the watercourse or filtration plant to
7 be at such points consistent with the requirements of public
8 health as ~~shall--be~~ found convenient and reasonable for said
9 district and the flow of existing watercourses; also to construct
10 and maintain filtration plants, pumping stations, basins,
11 reservoirs, flush tanks and such other appliances for collecting,
12 holding, purifying, distributing and disposing of sewage matter
13 and surface or waste waters as may be necessary and proper; and
14 in general, do any or all things incidental to accomplish the
15 purposes of this ~~act~~ Act.

16 **Sec. 3. P&SL 1955, c. 69, §8,** as amended by P&SL 1985, c. 97,
17 §4, is further amended to read:

18 **Sec. 8. Rights and obligations of abutters or others to enter.** Any
19 person may enter his that person's private sanitary sewer into
20 any sewer of the district located within the territory of the
21 district while the same is under construction and before
22 completion of the sewer at the point of entry on obtaining a
23 permit in writing from the trustees; but after the sewer is
24 completed to the point of entry, ~~no~~ a person may not enter his
25 that person's private sanitary sewer into the sewer located
26 within the territory of the district until he that person has
27 paid the entrance charge and obtained a permit in writing from
28 the trustees ~~as--aforesaid~~. All such permits ~~shall~~ must be
29 recorded by the district in its records before the same are
30 issued.

31 The owner, or persons in possession, or against whom taxes
32 are assessed, of all buildings or premises intended for human
33 habitation, occupancy or use, abutting on a street located within
34 the territory of the district in which there is a sewer
35 maintained by this district, or if the buildings stand on
36 premises which that are benefited and to which sewer service is
37 available, shall connect with the sewer in the most direct manner
38 possible within 90 days after receiving notice ~~thereof~~ from the
39 sewer district, or within such further time as its trustees may
40 grant, except as otherwise provided in the Maine Revised
41 Statutes, Title 38, section 1252, subsection 3.

42 **Sec. 4. Emergency clause; referendum; effective date.** In view of
43 the emergency cited in the preamble, this Act takes effect when
44 approved only for the purpose of permitting its submission to the
45 legal voters within the Town of Kennebunk at the next regular
46 town election to be held on June 13, 2000 or at a special town
47 meeting to be called and held for the purpose within 3 months of
48 the approval of this Act. This election must be
49

2 called, advertised and conducted according to the law relating to
3 municipal elections, except that the registrar of voters is not
4 required to prepare or the town clerk to post a new list of
5 voters. For the purpose of registration of voters, the registrar
6 of voters must be in session on the secular day next preceding
7 the election. The town clerk of the town shall prepare the
8 required ballots, on which the town clerk shall reduce the
subject matter of this Act to the following question:

10 "Do you favor authorizing the Kennebunk Sewer District to
11 provide sewer service to school buildings and facilities
12 owned by Maine School Administrative District No. 71 and
13 municipal buildings and facilities owned by the Town of
14 Kennebunk located outside the territory of the sewer
15 district as long as the costs of locating and constructing
16 any sewer facilities located outside the territory of the
17 sewer district for that purpose are paid for and used only
18 by Maine School Administrative District No. 71 or the Town
of Kennebunk?"

20 The voters shall indicate by a cross or check mark placed
21 against the words "Yes" or "No" their opinion of the same.

24 The result of the vote must be declared by the municipal
25 officers of the Town of Kennebunk and due certificate must be
26 filed by the town clerk with the Secretary of State.

28

30 SUMMARY

31 This bill amends the charter of the Kennebunk Sewer District
32 by authorizing the Kennebunk Sewer District to provide sewer
33 service outside the territory of the sewer district to school
34 buildings and facilities owned by Maine School Administrative
35 District No. 71 and municipal buildings and facilities owned by
36 the Town of Kennebunk.