

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 635

H.P. 468

House of Representatives, February 8, 2005

An Act To Amend the Maine Sanitary District Enabling Act

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.

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

2
3 **Sec. 1. 38 MRSA §1101, first ¶**, as affected by PL 1989, c. 890,
4 Pt. A, §40 and amended by Pt. B, §211, is further amended to read:

6 The formation of a sanitary district is accomplished as
7 follows, unless a municipality chooses to establish a
8 decentralized community sanitary district, in which case the
9 decentralized community sanitary district is formed pursuant to
10 section 1163-B.

12 **Sec. 2. 38 MRSA §1163-B** is enacted to read:

14 **§1163-B. Decentralized community sanitary district**

16 **1. Definition.** As used in this section, "decentralized
17 community sanitary district" means a sanitary district formed to
18 manage one or more subsurface wastewater collection, treatment
19 and disposal systems constructed according to the requirements of
20 the subsurface wastewater disposal rules adopted pursuant to
21 Title 22, section 42, subsection 3 to accommodate nonindustrial
22 development entirely within one or more areas designated as
23 growth areas in a comprehensive plan approved under Title 30-A,
24 section 4347-A.

26 **2. Formation.** A decentralized community sanitary district:

28 A. May be formed only if no sanitary or sewer district
29 formed under this chapter or other state law exists with
30 jurisdiction to serve the geographic area or areas in
31 question; and

32 B. Is created in the same manner as a sanitary district
33 under this chapter, except submission to the voters is not
34 required and, following the joint meeting as required in
35 section 1101 between the commissioner and the municipal
36 officers or others named in the application for a
37 decentralized community sanitary district, the trustees must
38 be appointed by the municipal officers of the municipality
39 or municipalities in which the designated growth area or
40 areas are located. The terms of the trustees are determined
41 in the manner described in section 1105.

44 **3. Application.** Upon approval by the board of an
45 application for a decentralized community sanitary district, the
46 commissioner shall issue a certificate of organization in the
47 name of the decentralized community sanitary district in a form
48 as the commissioner determines. The original certificate must be
49 delivered to the trustees on the day that they are directed to

2 organize, and a copy of the certificate duly attested by the
3 commissioner must be filed and recorded in the office of the
4 Secretary of State. The issuance of a certificate by the
5 commissioner is conclusive evidence of the lawful organization of
6 the decentralized community sanitary district. The decentralized
7 community sanitary district is not operative until the date set
8 by the commissioner under section 1106.

10 4. Powers. Unless otherwise stated in this section, each
11 decentralized community sanitary district formed under this
12 section has the same powers and duties as a sanitary district
13 formed under this chapter, except the right of eminent domain,
14 which remains with the municipality or municipalities in which
15 the decentralized community sanitary district is operating.

16 5. Connection of new sewers. Every new building in the
17 territory of a decentralized community sanitary district formed
18 under this section intended for human habitation or occupancy or
19 with facilities for discharge of nonindustrial wastewater must
20 have a sanitary sewer system that is caused by the owner or
21 person against whom taxes on the premises are assessed to be
22 connected with the facilities of the decentralized community
23 sanitary district, upon written application to and approval of
24 the connection by the trustees of the decentralized community
25 sanitary district. The trustees may require the owner or person
26 proposing a new building or facility to construct at the owner's
27 cost a subsurface wastewater disposal system sufficient for the
28 development according to the subsurface wastewater disposal rules
29 adopted pursuant to Title 22, section 42, subsection 3 for
30 inspection by, dedication to and ownership and management by the
31 decentralized community sanitary district. If, within 60 days of
32 written application to the decentralized community sanitary
33 district, the decentralized community sanitary district does not
34 direct the owner or person to connect to an existing subsurface
35 wastewater facility or to construct one for ownership and
36 management by the decentralized community sanitary district, the
37 owner or person may construct the necessary wastewater disposal
38 system to serve the new building or buildings, and such system is
39 separate from the ownership by and operations of the
40 decentralized community sanitary district if all applicable state
41 rules and local regulations are met.

42
43 6. Connection of existing sewers. Buildings within the
44 decentralized community sanitary district existing as of the
45 operative date of the decentralized community sanitary district
46 that are already served by a private sewer or septic system are
47 not required to connect with any sewer of the decentralized
48 community sanitary district. The decentralized community
49 sanitary district is not obligated to accept into its system the
50 private sewers or septic systems of buildings existing as of the

operative date of the decentralized community sanitary district. Nothing in this section precludes a voluntary agreement for accepting the preexisting private sewers or septic systems into the decentralized community sanitary district wastewater facility.

7. Expansion of decentralized community sanitary district boundaries. The boundaries of the territory of a decentralized community sanitary district may be expanded by the municipal officers if the designated growth area boundaries within which the decentralized community sanitary district operates are expanded pursuant to an amendment of the comprehensive plan approved under Title 30-A, section 4347-A, but the decentralized community sanitary district's jurisdiction may not extend beyond those boundaries.

SUMMARY

This bill amends the Maine Sanitary District Enabling Act by setting guidelines for the establishment of decentralized community sanitary districts.