

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1008

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Date: 06-14-07

(Filing No. S- 314)

UTILITIES AND ENERGY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754, Bill, "An Act To Incorporate the Greater Augusta Utility District"

Amend the bill by striking out everything after the enacting clause and inserting the following:

PART A

Sec. A-1. Territorial limits; corporate name, purpose. The inhabitants and territory of the City of Augusta and the City of Hallowell constitute a body politic and corporate under the name of the Greater Augusta Utility District, referred to in this Part as "the district," for the following purposes:

1. To supply pure water for domestic and municipal purposes to the City of Augusta, the Town of Manchester and the Togus VA Medical Center. The district may also supply water to portions of the City of Hallowell as the trustees of the Hallowell Water District may consent and to portions of the Town of Chelsea as its municipal officers may consent. The district is authorized to supply water under the rights and duties established under this Act in that portion of the Town of Winthrop known as East Winthrop and along its existing pipeline;

2. To construct, maintain, operate and provide the sewers with all their appurtenances, but not stormwater drainage provided under subsection 3, inside the City of Augusta, the City of Hallowell, the Town of Chelsea and all that area in the Town of Farmingdale lying westerly of a line 1,000 feet easterly of and parallel to the Blaine Road beginning at the Hallowell-Farmingdale line and extending to a point 1,000 feet south of Bowman Street and lying northerly of a line that begins at the southerly end of the first line and extends at right angles to the west line of the Town of Farmingdale; to extend, increase, enlarge and improve the sewers; to extend the present system or systems to furnish sewerage facilities to portions of the City of Augusta, the City of Hallowell, the Town of Chelsea and that portion of the Town of Farmingdale described in this subsection not now served with sewerage facilities; to provide for removal of sewage and to provide for treatment of sewage in whole or in part before discharging it into rivers

COMMITTEE AMENDMENT

1 when and if sewage treatment becomes necessary; and generally to provide a system of
2 sewerage for public purposes and for the health and comfort and convenience of the
3 inhabitants of the district; and

4 3. To construct, maintain, operate and provide the stormwater drainage system with
5 all its appurtenances in the City of Augusta only; to extend, increase, enlarge and improve
6 the drains; to extend the present system or systems to furnish stormwater drainage
7 facilities to only the portions of the City of Augusta not now served with stormwater
8 drainage facilities; to provide for surface drainage; and to provide a system of stormwater
9 drainage for public purposes and for the health and comfort and convenience of the
10 inhabitants of the City of Augusta.

11 Notwithstanding the requirements of the Maine Revised Statutes, Title 35-A, section
12 6401, subsection 2, paragraphs A and B, the following provisions do not apply to the
13 district: Title 35-A, section 6401, subsection 3; section 6410, subsection 5; and section
14 6416.

15 **Sec. A-2. Powers and authority.** The district has the following powers and
16 authority.

17 1. The district is authorized for the purposes provided in section 1 to take and hold
18 sufficient water of the Kennebec River, Carleton Pond and Lake Cobbosseecontee and
19 from any other source within the authorized service area of the district and may take and
20 hold by purchase or otherwise any land or real estate necessary for erecting dams, power
21 stations and reservoirs and for preserving the purity of the water and watershed and for
22 laying and maintaining aqueducts for the taking, discharging and disposing of water.

23 The district, for the purposes of its incorporation, is authorized to take and hold, by
24 purchase or otherwise, any land, real estate or water rights necessary for dams, for
25 flowage, for power, for pumping its water supply through its mains, for reservoirs, for
26 preserving the purity of the water and watershed and for laying and maintaining
27 aqueducts and other structures for taking, distributing, discharging and disposing of water
28 and for rights-of-way or roadways to its sources of supply, dams, power stations,
29 reservoirs, mains, aqueducts, structures and lands.

30 The district is further authorized to increase the storage of Carleton Pond and to erect and
31 maintain all proper structures for that purpose.

32 The district is authorized to lay in and through streets and highways and across private
33 lands and to repair and replace all pipes, aqueducts and fixtures as may be necessary and
34 convenient for its corporate purposes, and whenever the district lays any pipes or
35 aqueducts in any street or highway it shall do so with as little obstruction as possible to
36 the public travel and shall, at its own expense without unnecessary delay, cause the earth
37 and pavement removed by it to be replaced in proper condition.

38 2. For the purpose of providing a system of sewers and drainage for the comfort,
39 convenience and health of the inhabitants of the district, the district is authorized to take
40 and hold by purchase, lease or the exercise of the right of eminent domain, as provided in
41 section 4 or otherwise, any land or real estate or easement necessary for forming basins,
42 reservoirs and outlets, for the erection of buildings for pumping works and sewage
43 treatment and for laying pipes and maintaining those pipes and for laying and maintaining
44 conduits for carrying and collecting, discharging and disposing of sewage matter and rain

H. et S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 water and for other necessary objectives, convenient and proper for the purpose of this
2 Act, and all of such property, wherever located, is exempt from taxation.

3 **Sec. A-3. Transfer of assets; assumption of liabilities and benefits.** Upon
4 acceptance of this Act as provided in Part C, section 2:

5 1. Title to all personal property, real property, assets, benefits and liabilities of the
6 Augusta Water District and the Augusta Sanitary District, including, without limitation,
7 all lands, waters, water rights, buildings and improvements, reservoirs, appurtenant
8 easements and other rights appurtenant to the real property, and all easements in gross
9 and all other interests of the Augusta Water District and the Augusta Sanitary District,
10 passes to and vests in the Greater Augusta Utility District, and the Greater Augusta
11 Utility District shall assume, maintain and operate all personal property, real property,
12 assets, benefits and liabilities of the Augusta Water District and the Augusta Sanitary
13 District;

14 2. Title to all personal property, real property, assets, benefits and liabilities of the
15 Hallowell Water District that are exclusively dedicated to its wastewater operations and
16 service, including, without limitation, all lands, buildings and improvements that are
17 exclusively dedicated to wastewater operations and service, appurtenant easements and
18 other rights appurtenant to the real property that are exclusively dedicated to wastewater
19 operations and service, and all easements in gross and all other interests of the Hallowell
20 Water District that are exclusively used for wastewater operations and service, passes to
21 and vests in the Greater Augusta Utility District, and the Greater Augusta Utility District
22 shall assume, maintain and operate all personal property, real property, assets, benefits
23 and liabilities of the Hallowell Water District that are exclusively dedicated to wastewater
24 operations and service;

25 3. With respect to any easements held by the Hallowell Water District that are
26 appurtenant to real property that is used for both its water and wastewater operations, and
27 with respect to any easements in gross held by the Hallowell Water District that are used
28 for both its water and wastewater operations, a common and undivided interest in the
29 easements passes to and vests in the Greater Augusta Utility District only to the extent
30 that the Hallowell Water District may retain the same easement rights subsequent to the
31 conveyance. To the extent that the Hallowell Water District may not retain the same
32 easement rights subsequent to the conveyance, the easements may not pass to or vest in
33 the Greater Augusta Utility District pursuant to this section, and the parties shall make
34 reasonable efforts to give the Greater Augusta Utility District limited access to the
35 easements to the extent reasonably necessary to construct, maintain, operate and provide
36 access to the sewer system transferred pursuant to this Act;

37 4. The Augusta Sanitary District and the Hallowell Water District shall assign all
38 rights, and the Greater Augusta Utility District shall assume all obligations, under the so-
39 called 1979 Trunk Line Agreement dated August 21, 1979, as amended, between the
40 Augusta Sanitary District, Hallowell Water District, Manchester Sanitary District,
41 Monmouth Sanitary District, Winthrop Water District and Carleton Woolen Mills, Inc.;

42 5. The Greater Augusta Utility District shall assume all obligations of the Hallowell
43 Water District under the Hallowell Water District 1988 Farmer's Home Administration
44 Refinancing Bond, and the Greater Augusta Utility District shall assume all obligations of
45 the Augusta Water District and the Augusta Sanitary District, including, but not limited

H. of S.

1 to, those obligations under the following bonds: bonds issued to the Maine Municipal
2 Bond Bank by the Augusta Water District in 1990, 1991 and 1994; bonds issued by the
3 Augusta Water District to TD BankNorth in 2001; bonds issued by the Augusta Sanitary
4 District to the Maine Municipal Bond Bank in 1997, 2002, 2003, 2005 and 2006; and a
5 bond issued by the Augusta Sanitary District to Kennebec Savings Bank in 2003; and

6 6. The district shall maintain its books and records in a manner that creates separate
7 divisions for its water and wastewater operations. These divisions must maintain the
8 assets, liabilities, operating revenues and expenses in a manner that allows the Public
9 Utilities Commission to set rates for the district's water operations. The assets and
10 liabilities of the Augusta Water District must be maintained in the books of the water
11 division of the Greater Augusta Utilities District. The assets and liabilities of the Augusta
12 Sanitary District and Hallowell Water District's wastewater division must be maintained
13 in the books and records of the Greater Augusta Utility District's wastewater division.

14 **Sec. A-4. Right of eminent domain conferred.** The district is authorized and
15 empowered to exercise the right of eminent domain in the area of the district set forth in
16 section 1 to acquire and hold, for the purposes set forth in sections 1 and 2, any land, real
17 estate or water rights.

18 The district may exercise the right of eminent domain vested in the district for the
19 purposes of this Act after a hearing. Notice of the time and place of the hearing must be
20 given by publication in a newspaper of general circulation in the City of Augusta once a
21 week for 2 successive weeks, the last publication to be at least 2 weeks previous to the
22 time appointed for the hearing. The clerk of the district shall keep a record of the hearing
23 proceedings, and the determination and decision, which must set forth a description of the
24 land or easement taken and the owners, if known, and the amount of damages awarded
25 for it.

26 In lieu of the notice for publication as specified in this section, the notice may be
27 served in hand by an officer duly qualified to serve civil process in this State on the
28 record owner or owners of the premises involved at least 14 days prior to the time
29 appointed for the hearing.

30 Upon the signing of the record of the trustees and the filing of the record in the
31 Registry of Deeds for Kennebec County, the trustees may enter upon the land and take
32 possession of the land or an easement on the land, as the case may be, for the purposes of
33 this Act.

34 A person aggrieved by the decision of the trustees, as it relates to the damages for
35 land or easements on the land taken, has the same rights of appeal as provided in the case
36 of the laying out of town ways pursuant to the Maine Revised Statutes, Title 23, chapter
37 304.

38 The district may not take by right of eminent domain any of the property or facilities
39 of another public utility used, or acquired for future use by the owner in the performance
40 of a public duty, unless expressly authorized in this Act or by a subsequent act of the
41 Legislature.

42 **Sec. A-5. Authority to lay pipes and make all necessary repairs.**

19. 08. 08.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 1. The district is authorized, for the purposes of supplying water, to lay in and
2 through the streets and highways of the authorized service area described in section 1,
3 subsection 1 and to take up, repair and replace all pipes, aqueducts and fixtures as may be
4 necessary, and when the district lays any pipes or aqueducts in a street or highway it shall
5 do so with as little obstruction as possible to the public travel and shall, at its own
6 expense and without unnecessary delay, cause the earth and pavement removed by it to
7 be replaced in proper condition.

8 2. The district may lay pipes and construct conduits in and through the district and
9 convey through the pipes and conduits sewage, surface water and the natural flowage of
10 existing watercourses and secure and maintain basins, reservoirs and outlets; may build
11 and maintain pumping stations and buildings convenient for the pumping stations; may
12 construct and maintain treatment plants, flush tanks, manholes, stormwater inlets and the
13 usual appliances for collecting, holding, distributing and disposing of sewage and
14 stormwater; may supply water for the flush tanks and for flushing the system of sewers
15 and for any other purposes the district may determine desirable and install all pipes and
16 necessary structures and appliances to this end; may establish through and by its trustees
17 regulations for the use of sewers and fix and collect the prices to be paid for entering the
18 sewers and also the service charges for the use of the sewers; may enter into contracts
19 with persons, corporations or municipalities to care for sewage or drainage through the
20 district's system; and may, for the purposes provided in this Act, lay down, in and through
21 the streets, highways and land of the district, and take up, replace and repair, all conduits,
22 pipes and fixtures as may be necessary or desirable for the purposes of its incorporation,
23 carry and lay conduits and pipes under any watercourse, public or private way or railroad,
24 in the manner prescribed in this Act, and cross any water pipe, gas pipe, electric conduit,
25 drain or sewer or, if necessary, change its direction in such a manner as not to obstruct its
26 use by the construction of any of the works of the district, either during the construction
27 or after the construction has been completed or while the construction is undergoing
28 repairs or extensions are being made.

29 3. When crossing a public utility, unless consent is given by the company owning or
30 operating the public utility as to place, manner and conditions of the crossing within 30
31 days after the consent is requested by the district, the Public Utilities Commission shall
32 determine the place, manner and conditions of the crossing, and all work on the property
33 of the public utility must be done under the supervision and to the satisfaction of the
34 public utility, but at the expense of the district.

35 **Sec. A-6. Excavations and repair work; property to be left in good**
36 **condition; closing of streets.** Whenever the district enters, digs up or excavates a
37 street, way, highway or other land for any of the purposes set forth in this Act, the street,
38 way, highway or other land must, at the completion of the work, be returned to the
39 condition the street, way, highway or other land was in prior to the work of the district or
40 to a condition equally as good.

41 When the work of the district endangers travel on a street or way, the cities or towns
42 shall direct the temporary closing of the street or way and of intersecting streets or ways,
43 upon request of the district, and the streets or ways must remain closed to public traffic
44 until the work of the district is completed and the surfaces of the streets or ways are
45 restored to a proper condition, as provided in this section.

M. of S.

1 **Sec. A-7. System extensions.**

2 1. All water line extensions must be made in accordance with the governing statutes
3 and rules of the Public Utilities Commission.

4 2. The district has the right to determine whether extensions to its sewer system are
5 made, with such discretion to be subject to review by the authority of local and state
6 health officials and the Department of Environmental Protection. A sewer extension
7 must be in conformity with adopted municipal plans and ordinances regulating land use.

8 3. A decision to invest funds in a specific sewer main extension requires a majority
9 vote of the trustees and must include an affirmative vote of the voting representative from
10 the City of Hallowell.

11 **Sec. A-8. Duty to serve; obligation to connect.**

12 1. The district's duty to provide water service is governed by the statutes and rules of
13 the Public Utilities Commission.

14 2. The district, at all times after it commences receiving payments for the sewer
15 facilities supplied by it, is bound to permit the owners of all premises abutting upon its
16 lines of pipes and conduits to connect to the system with all proper sewage, upon
17 conformity to the rules and regulations of the district and payments of the prices,
18 assessments and rental established by the district.

19 Every building in the areas served by the district intended for human habitation or
20 occupancy on premises abutting on a street in which there is a public sewer or such a
21 building within 100 feet of a public sewer must have a house drainage system connected
22 with the sewer by the owner or agent of the premises in the most direct manner possible.
23 If feasible, each house or building must be connected with a separate connection, except
24 that buildings that are already served by a satisfactory private sewage disposal system
25 that meets and continues to meet the requirements of the plumbing code for the State are
26 not required to connect with the public sewer.

27 **Sec. A-9. Assessment against lot benefited by drain or sewer.** When the
28 district has constructed and completed a public drain or common sewer, the trustees shall
29 determine what lots or parcels of land are benefited by the drain or sewer. The trustees
30 shall estimate and assess upon the lots and parcels of land and against the owner, or
31 person in possession, whether the person to whom the assessment is made is the owner,
32 tenant, lessee or agent, and whether the lot or parcel of land is occupied or not, a sum not
33 exceeding the benefit as the trustees determine just and equitable towards defraying the
34 expenses of constructing and completing the drain or sewer, together with the sewage
35 disposal units and appurtenances as may be necessary.

36 The trustees shall file with the clerk of the district the location of the drain or sewer
37 and sewage disposal unit, with a profile description of the location, a statement of the
38 amount assessed upon each lot or parcel of land, a description of each lot or parcel and
39 the name of the owner of the lots or parcels of land or person against whom the
40 assessment is being made. The clerk of the district shall record the assessment in a book
41 kept for that purpose. Within 10 days after filing the notice, each person assessed must
42 be notified of the assessment by having an authentic copy of the assessment, with an
43 order of notice signed by the clerk of the district, stating the time and place for a hearing

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 upon the subject matter of the assessments, given to each person or left at the person's
2 usual place of abode in the district. If the person has no place of abode in the district,
3 then the notice must be given or left at the abode of the person's tenant or lessee if the
4 person has one in the district. If the person has no tenant or lessee in the district, the
5 person assessed must be notified by a posting of the notice in some conspicuous place in
6 the vicinity of the lot or parcel of land assessed, at least 30 days before the hearing, or the
7 notice may be given by publishing the notice once a week for 3 successive weeks in a
8 newspaper of general circulation in the City of Augusta, the first publication to be at least
9 30 days before the hearing. A return made upon a copy of the notice by a constable in the
10 City of Augusta or the production of the paper containing the notice is conclusive
11 evidence that the notice has been given. At the hearing the trustees have power to revise,
12 increase or diminish any of the assessments, and all revisions, increases or diminutions
13 must be in writing and recorded by the clerk.

14 **Sec. A-10. Wastewater assessment; right of appeal.** A person aggrieved by
15 the decision of the trustees as it relates to the assessment for sewer construction has the
16 same rights of appeal as provided in the case of the laying out of town ways pursuant to
17 the Maine Revised Statutes, Title 23, chapter 304.

18 **Sec. A-11. Lien for unpaid wastewater assessments.** All assessments made
19 under the provisions of section 9 create a lien upon each lot or parcel of land assessed and
20 the buildings upon the same, which takes effect when the trustees file with the clerk the
21 completed assessment. Within 10 days after the date of hearing on the assessment, the
22 clerk shall make out a list of all assessments, the amount of each and the names of the
23 persons against whom the same are assessed and shall certify the list and deliver it to the
24 treasurer of the district. If the assessments are not paid within 3 months from the date of
25 filing of the completed assessment, the treasurer may proceed to collect the assessment in
26 the following manner:

27 1. After the expiration of 3 months and within 18 months after the date the
28 assessment is filed with the treasurer, if a person is a resident in the town where assessed,
29 the treasurer shall give to the person against whom the assessment is made or leave at the
30 person's last and usual place of abode a notice in writing signed by the treasurer stating
31 the amount of the assessment, describing the real estate upon which the lien is claimed,
32 stating that a lien is claimed on the real estate to secure the payment of the assessment
33 and demanding the payment of the assessment within 10 days after the service of the
34 notice. The treasurer in one notice may incorporate several delinquent rates that are in
35 default at least 3 months and not over 18 months.

36 After the expiration of the 10 days and within 10 days after the 10-day expiration, if a
37 person is a resident of the district, and in all other cases within one year from the date of
38 service of notice, the treasurer shall record in the Kennebec County Registry of Deeds a
39 certificate signed by the treasurer stating the amount of the assessment, a description of
40 the real estate on which the lien is claimed, an allegation that a lien is claimed on the real
41 estate to secure the payment of the assessment, that a demand for the payment of the
42 assessment has been made in accordance with the provisions of this section and that the
43 assessment remains unpaid.

44 If a person is not a resident of the district, the notice of lien and demand for payment
45 must be given by registered or certified mail or by publication in a newspaper of general

COMMITTEE AMENDMENT

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 circulation inside the City of Augusta once a week for 2 successive weeks and must
2 demand payment within 10 days after the date of mailing of the notice or the date of last
3 publication of notice. After the expiration of the 10 days, the treasurer shall record the
4 certificate.

5 At the time of the recording of the certificate in the Kennebec County Registry of Deeds
6 as provided in this section, in all cases the treasurer shall file in the office of the district a
7 true copy of the certificate. At the time of recording of the certificate, the treasurer shall
8 mail a true copy of the certificate by registered or certified mail to each record holder of a
9 mortgage on the real estate, addressed to the record holder at the record holder's last and
10 usual place of abode. The fee charged by the district to the assessed party for the notice
11 and filing is determined by the trustees and must include at a minimum the amount
12 charged to the district for the recording of the certificate in the Kennebec County Registry
13 of Deeds. Upon redemption, the district shall prepare and record a discharge of the sewer
14 lien upon collecting from the assessed party the charge for recording the discharge.

15 The filing of the certificate in the Kennebec County Registry of Deeds pursuant to this
16 section is deemed to create and creates a mortgage on the real estate to the district, having
17 priority over all other mortgages, liens, attachments and encumbrances of any nature,
18 except liens, attachments and claims for taxes, and gives the district all the rights usually
19 incident to a mortgagee, except that the district has no right of possession of the real
20 estate until the right of redemption provided for in this section has expired. If the
21 mortgage, together with interest and costs, is not paid within 18 months after the date of
22 filing of the certificate in the Kennebec County Registry of Deeds as provided in this
23 section, the mortgage is deemed foreclosed and the right of redemption has expired. The
24 filing of the certificate in the Kennebec County Registry of Deeds is sufficient notice of
25 the existence of the mortgage provided for in this section. In the event that the
26 assessment, interest and costs are paid within the period of redemption provided for in
27 this section, the treasurer of the district shall discharge the mortgage in the same manner
28 as is provided for discharge of real estate mortgages; or

29 2. After the expiration of 3 months after the date the assessment is filed with the
30 treasurer, the treasurer may bring a civil action for the collection of the assessment in the
31 name of the district against the person against whom the assessment is made and for the
32 enforcement of the lien. The civil action may be commenced without the filing of a
33 certificate of lien in the Kennebec County Registry of Deeds pursuant to subsection 1.
34 The complaint in an action must contain a statement of the assessment, a description of
35 the real estate against which the assessment is made and an allegation that a lien is
36 claimed on the real estate to secure the payment of the assessment. If service is not made
37 upon the defendant or if it appears that other persons have an interest in the real estate,
38 the court shall order further notice of the action as the court determines proper and shall
39 allow the other persons to become parties to the action.

40 If it appears upon trial of the action that the assessment was legally made against the real
41 estate, the assessment is unpaid and there is an existing lien on the real estate for the
42 payment of the assessment, judgment must be rendered for the assessment, interest and
43 costs of suit against the defendants and against the real estate upon which the assessment
44 was made and execution issued on the judgement to be enforced by sale of the real estate
45 in the manner provided for a sale on execution of real estate attached on original process.
46 In making the sale, the officer shall follow the procedure in selling and conveying the real

COMMITTEE AMENDMENT

H. 018.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 estate and shall provide the same rights of redemption as provided in the Maine Revised
2 Statutes, Title 36, section 941.

3 **Sec. A-12. Additional methods of collection of wastewater assessments.** If
4 assessments under the provisions of section 9 are not paid and the district does not
5 proceed to collect unpaid assessments by a sheriff's sale of the real estate upon which the
6 assessments are made under section 11 or does not collect or is in any manner delayed or
7 defeated in collecting the assessments by a sheriff's sale of the real estate under section
8 11, then the district, in the name of the district, may maintain an action against the party
9 assessed for the amount of the assessment, for money paid, laid out and expended, in any
10 court competent to try the suit, and in the suit may recover the amount of the assessment
11 with 10% interest on the assessments from the date of the assessments and costs.

12 **Sec. A-13. Assessments paid by other than owner; recovered.** When an
13 assessment under the provisions of section 9 is paid by a person against whom the
14 assessment has been made who is not the owner of the lot or parcel of land, then the
15 person paying the assessment has a lien on the lot or parcel of land with the buildings on
16 the lot or parcel of land for the amount of the assessment paid by the person and
17 incidental charges. The lien may be enforced in the way and manner provided for the
18 enforcement of liens in section 11.

19 **Sec. A-14. Penalty for violation.**

20 1. The liability and penalties for a person who violates the provisions of this Act
21 relating to the district's authority to provide water service or the regulations of the district
22 adopted in accordance with the authority granted under this Act relating to water service
23 must be in accordance with the governing statutes and rules of the Public Utilities
24 Commission.

25 2. A person who violates the provisions of this Act or the regulations of the district
26 adopted in accordance with the authority granted under this Act relating to the district's
27 authority to provide sewer service is liable to pay twice the amount of the damage to the
28 district, to be recovered in a proper action. The penalty for violation of a pretreatment
29 standard or requirement by an industrial user is governed by the Maine Revised Statutes,
30 Title 38, section 1252, subsection 8.

31 A person who places, discharges or leaves an offensive or injurious matter or material on
32 or in the sewer conduits, sewer catch basins or sewer receptacles of the district contrary to
33 its sewer use regulations, or knowingly injures a conduit, pipe, reservoir, flush tank, catch
34 basin, manhole, drain, outlet, engine, pump or other property held, owned or used by the
35 district for sewer purposes, is guilty of a Class E crime. In addition to sentencing
36 alternatives provided under the Maine Revised Statutes, Title 17-A, a person is also liable
37 to pay twice the amount of the damage to the district, to be recovered in a proper action.

38 **Sec. A-15. Free access to premises.**

39 1. The district's rights of access to water customer premises are governed by the
40 Maine Revised Statutes, Title 35-A and rules of the Public Utilities Commission.

41 2. The officers or agents of the district have free access to all premises served by its
42 sewers, at all reasonable hours to permit the inspection of plumbing and sewerage
43 fixtures, to ascertain the amount of sewage discharged and the manner of discharge and to

1 enforce the provisions of this Act and any rules and regulations that may be prescribed by
2 the district.

3 **Sec. A-16. Payments of rates required; purpose of revenue generally.**

4 1. All individuals, firms and corporations, whether private, public or municipal, shall
5 pay to the treasurer of the district the rates established by the trustees pursuant to the
6 Maine Revised Statutes, Title 35-A for water used by the individuals, firms or
7 corporations. The water rates must be uniform throughout the territory established in
8 section 1.

9 2. All individuals, firms and corporations, whether private, public or municipal, shall
10 pay to the treasurer of the district the rates and assessments established by the trustees to
11 pay for the cost of the wastewater works and for the wastewater service used by the
12 individuals, firms or corporations. Except as provided in subsection 4, the wastewater
13 rates must be uniform throughout the territory established in section 1. The wastewater
14 rates may include a readiness-to-serve charge against owners or persons in possession, or
15 against whom taxes are assessed, of all buildings or premises intended for human
16 habitation or occupancy, whether the buildings or premises are occupied or not, that abut
17 on a street through which the district has a sewerage main or that abut a location through
18 which the district has a sewerage main by which service of the buildings or premises is
19 feasible, as long as in either instance the property line of the premises is within 100 feet
20 of the sewerage main whether or not the premises are actually connected to the sewerage
21 main.

22 The wastewater rates must be established to provide revenue for the following purposes:

23 A. To pay the current expenses of operating and maintaining the sewerage, drainage
24 and treatment systems of the district;

25 B. To provide for the payment of the interest and principal on the indebtedness
26 created or assumed by the district;

27 C. To provide funds for paying the cost of all necessary repairs, replacements or
28 renewals of the sewerage, drainage and treatment systems of the district; and

29 D. To pay or provide for all amounts that the district may be obligated to pay or
30 provide by law or contract, including any resolution or contract with or for the benefit
31 of the holders of its bonds and notes.

32 3. For purposes of establishing water and wastewater rates, all of the district's costs
33 of service must be equitably allocated between water and wastewater operations to
34 minimize any cross-subsidies between water ratepayers and wastewater ratepayers. The
35 district shall maintain records supporting and documenting the methods used to allocate
36 all costs between the water and wastewater operations.

37 4. For the purpose of establishing wastewater rates, all of the district's costs of service
38 must be equitably allocated between sewerage service and stormwater service and the
39 costs of stormwater service must be borne by the ratepayers of the City of Augusta. The
40 district shall maintain records supporting and documenting the methods used to allocate
41 all costs between sewerage service and stormwater service.

42 **Sec. A-17. Lien to secure payment of rates; procedure.**

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 1. There is a lien on real estate served by the district to secure the payment of water
2 rates established and due under the provisions of section 16 and the lien takes precedence
3 over all other claims on the real estate, except claims for taxes and sewer liens. In
4 addition to other methods established by law for the collection of the water rates, the lien
5 created in this subsection may be enforced in the manner set forth in the Maine Revised
6 Statutes, Title 35-A, section 6111-A.

7 2. There is a lien on real estate served by the several sewers and drains of the district
8 to secure the payment of wastewater rates established and due under the provisions of
9 section 16 and the lien takes precedence over all other claims on the real estate, except
10 claims for taxes. In addition to other methods previously established by law for the
11 collection of the rates, the lien created in this subsection may be enforced in the manner
12 set forth in the Maine Revised Statutes, Title 38, section 1208.

13 **Sec. A-18. Authority to borrow money.** For accomplishing the purposes of this
14 Act and for other expenses that may be necessary for the carrying out of the purposes of
15 this Act, the district, through its trustees, without district vote, is authorized to issue its
16 notes and bonds in one series or in separate series from time to time and to make
17 subsequent renewals of the notes and bonds in whole or in part.

18 The notes and bonds are a legal obligation of the district, are a legal investment for
19 savings banks in the State and are exempt from all present taxes. The district is declared
20 to be a quasi-municipal corporation for the purposes of the Maine Revised Statutes, Title
21 30-A, section 5701 and all the provisions of that section.

22 Each bond or note must have inscribed on its face the words "Greater Augusta Utility
23 District Bond" or "Greater Augusta Utility District Note," as the case may be, and must
24 bear interest at such rates as the trustees determine.

25 Bonds or notes may be issued from time to time and each authorized issue constitutes
26 a separate loan.

27 The bonds or notes must contain such terms and conditions, bear such a rate or rates
28 of interest and be sold in such a manner, at public or private sale, at par, at a discount or
29 at a premium, all as the trustees determine.

30 **Sec. A-19. Board of Trustees; tenure; duties.**

31 1. All the affairs of the Greater Augusta Utility District are managed by a Board of
32 Trustees comprised of 7 voting members, one nonvoting representative of the City of
33 Augusta and one nonvoting representative of the City of Hallowell. Six voting members
34 are appointed by the mayor of the City of Augusta, with the approval of a majority of the
35 Augusta City Council. One voting member is appointed by the mayor of the City of
36 Hallowell, with the approval of a majority of the Hallowell City Council. One nonvoting
37 member must be the mayor of the City of Augusta or the mayor's designee, and the other
38 nonvoting member must be the mayor of the City of Hallowell or the mayor's designee.

39 A member of the Augusta City Council or the Hallowell City Council, an employee of the
40 City of Augusta or the City of Hallowell or an employee of the Greater Augusta Utility
41 District or the Hallowell Water District may not be chosen as a voting member of the
42 Board of Trustees during the councilor's term on the city council or the employee's term
43 of employment. All trustees must be residents of the city from which they are appointed.

COMMITTEE AMENDMENT

H. G. S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 Trustees are appointed to 3-year terms. Terms are to be staggered. If a vacancy occurs
2 due to death or other cause, the mayor of the city from which the vacancy occurs shall
3 appoint, with the approval of a majority of the relevant city council, a new member to fill
4 out the unexpired term.

5 The term of a trustee continues until the trustee's successor is appointed and qualified.

6 2. Meetings of the trustees must be held monthly at a time and place to be
7 determined by the trustees. A quorum consists of 4 voting trustees.

8 The trustees may engage the services of engineers and laborers, purchase all necessary
9 material and supplies and construct the drains and sewers under their own supervision, or
10 they may, if they determine it advantageous, contract with a responsible person, firm or
11 corporation for the construction of the drains and sewers, but the district is not released
12 from liability by reason of having contracted with a person, firm or corporation as
13 provided in this subsection for the construction of any sewer, drain or other structure.

14 The trustees shall adopt a corporate seal and all bylaws and regulations necessary to
15 operate the district.

16 The trustees shall publish an annual report of the district's finances.

17 A trustee of the district may not have an interest, either directly or indirectly, in any
18 contract or agreement entered into by the district for the construction of a sewer, drain or
19 other structure in the area served by the district. The district may enter upon or take land
20 or any easement on the land of an officer of the district while the person is an officer and
21 award damages to the officer for the land if in the opinion of the trustees the entering or
22 taking is necessary for the purposes of the district.

23 3. The trustees shall annually elect a chair, a clerk, a treasurer and any other officer
24 or agent as the trustees consider necessary. The trustees shall elect an assistant treasurer,
25 who must be a trustee or an employee of the district.

26 4. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection
27 7 and Title 38, section 1252, subsection 5, the trustees are entitled to compensation at the
28 same levels established for councilors and officers of the Augusta City Council or the
29 councilors and officers of the Hallowell City Council, whichever is greater.

30 **Sec. A-20. Incidental powers, rights and privileges.** All incidental powers,
31 rights and privileges necessary to the accomplishment of this Act are granted to the
32 district.

33 **Sec. A-21. Monmouth to Augusta trunk sewer; authority, powers of**
34 **districts, inhabitants; property exempt from taxation.** The district is authorized
35 and empowered to own, operate and maintain a sewer line from the Town of Monmouth
36 to the City of Augusta through the Town of Manchester, the City of Hallowell and the
37 Town of Winthrop, in order to receive domestic, commercial, municipal and industrial
38 wastes and sewerage from the Town of Monmouth and areas along the sewer line and
39 treat the wastes and sewerage prior to discharge of the effluent into the Kennebec River at
40 the City of Augusta. The district's authority to provide wastewater service outside the
41 service area limits set forth in section 1 is limited to the provision of wholesale
42 wastewater service to other utilities in those municipalities where another utility or
43 municipality provides wastewater service.

COMMITTEE AMENDMENT

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 The district is authorized to use its rights, powers and privileges under this Act for the
2 purpose of owning, operating and maintaining a sewer line from the Town of Monmouth
3 to the City of Augusta, including, but not limited to, the right to acquire and hold real
4 estate and personal estate necessary and convenient for the purpose of this section; to take
5 and hold by purchase, lease or the exercise of the right of eminent domain or otherwise
6 any land or real estate or easement in land or real estate inside or outside the area served
7 by the district necessary for forming basins, reservoirs and outlets, for erection of
8 buildings for pumping works and sewage treatment, for laying pipes and maintaining the
9 buildings and pipes, for laying and maintaining conduits and appurtenances for carrying
10 and collecting, discharging and disposing of sewage matter and for other objectives
11 necessary, convenient and proper for the purposes of this section; to establish through and
12 by its trustees regulations for the use of the sewers and to fix and collect the prices to be
13 paid for entering the sewers and the service charges for the use of the sewers; to enter into
14 contracts with persons, corporations or municipalities inside or outside the area served by
15 the district including the Winthrop Utilities District, the Manchester Sanitary District, the
16 Monmouth Sanitary District and any quasi-municipal corporation or district formed or to
17 be formed in order to care for or treat sewage or drainage from lateral sewers or otherwise
18 through the district's system; to lay down, in and through the streets and highways inside
19 or outside the area served by the district and to take up, replace and repair all conduits,
20 pipes and fixtures that may be necessary or desirable for the purpose; to carry and lay
21 conduits and pipes under any watercourse, lake, public or private way or railroad and to
22 cross any water pipe, gas pipe, electric conduit, drain or sewer pursuant to this Act; to
23 make and file assessments and liens for the cost of the assessments; to issue notes and
24 bonds through its trustees without district vote in one series or in separate series from
25 time to time and to make subsequent renewals of the notes and bonds in whole or in part
26 to provide for the financing of the notes and bonds; to establish and collect rates and
27 enforce the collection of rates by lien and otherwise; to apply for and receive state and
28 federal loans, grants and other forms of aid; and in general to use all of its rights, powers
29 and privileges under this Act along the sewer line as though the sewer line were solely
30 within the area set forth in section 1 as the service area limits of the district. Wherever
31 located, the property, both real and personal, rights and franchises used in connection
32 with the wastewater system are exempt from taxation. All incidental powers, rights and
33 privileges necessary to the accomplishment of the objectives set forth in this section are
34 granted to the district.

35 The Winthrop Utilities District, the Manchester Sanitary District, the Monmouth
36 Sanitary District, any quasi-municipal corporation or district, formed or to be formed, and
37 any other persons or corporations are authorized to enter into contracts with the district
38 for sharing in the capital cost and operation and maintenance cost of the sewer line and
39 any facilities in connection with the sewer line, including facilities for secondary
40 treatment of wastes and any lateral sewers or other systems that may connect to the sewer
41 line.

42 **Sec. A-22. P&SL 1903, c. 334, as amended by P&SL 1975, c. 87, §§1 to 5, is**
43 **repealed.**

44 **Sec. A-23. P&SL 1921, c. 75, §10, first sentence, as amended by P&SL 1971,**
45 **c. 83, §19, is repealed and the following enacted in its place:**

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 All the affairs of the district must be managed by a board of trustees composed of 3
2 members to be appointed by the mayor and confirmed by the City Council of the City of
3 Hallowell. The 3 members must be selected from the present members in office as of the
4 effective date of this Act, and the mayor shall delegate one to hold office for one year, the
5 2nd to hold office for 2 years and the 3rd to hold office for 3 years.

6 **Sec. A-24.** P&SL 1955, c. 139, as amended by P&SL 1991, c. 10, §§1 and 2, is
7 repealed.

8 **Sec. A-25.** P&SL 1971, c. 83, §1 is repealed.

9 **Sec. A-26.** P&SL 1971, c. 83, §2 is repealed.

10 **Sec. A-27.** P&SL 1971, c. 83, §3, as amended by P&SL 1999, c. 15, §1, is
11 repealed.

12 **Sec. A-28.** P&SL 1971, c. 83, §4 is repealed.

13 **Sec. A-29.** P&SL 1971, c. 83, §5 is repealed.

14 **Sec. A-30.** P&SL 1971, c. 83, §6 is repealed.

15 **Sec. A-31.** P&SL 1971, c. 83, §7 is repealed.

16 **Sec. A-32.** P&SL 1971, c. 83, §7-A, as enacted by P&SL 1999, c. 15, §2, is
17 repealed.

18 **Sec. A-33.** P&SL 1971, c. 83, §8 is repealed.

19 **Sec. A-34.** P&SL 1971, c. 83, §9 is repealed.

20 **Sec. A-35.** P&SL 1971, c. 83, §10, as amended by P&SL 1983, c. 11, is repealed.

21 **Sec. A-36.** P&SL 1971, c. 83, §11 is repealed.

22 **Sec. A-37.** P&SL 1971, c. 83, §12 is repealed.

23 **Sec. A-38.** P&SL 1971, c. 83, §13 is repealed.

24 **Sec. A-39.** P&SL 1971, c. 83, §14 is repealed.

25 **Sec. A-40.** P&SL 1971, c. 83, §15 is repealed.

26 **Sec. A-41. Existing trustees.** The commissioners of the Augusta Sanitary
27 District and the trustees of the Augusta Water District holding office on the effective date
28 of this Act hold office as trustees of the Greater Augusta Utility District for the terms for
29 which they were appointed, and as each term expires one trustee must be selected by the
30 appointing authority to serve for a term of 3 years.

31 **PART B**

32 **Sec. B-1. Territorial limits.** The inhabitants and territory of the City of Augusta
33 constitute a body politic and corporate under the name of the Greater Augusta Utility
34 District, referred to in this part as "the district," for the following purposes:

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 1. To supply pure water for domestic and municipal purposes to the City of Augusta,
2 the Town of Manchester and the Togus VA Medical Center. The district may also supply
3 water to portions of the City of Hallowell as the trustees of the Hallowell Water District
4 may consent and to portions of the Town of Chelsea as its municipal officers may
5 consent. The district is authorized to supply water under the rights and duties established
6 under this Act in that portion of the Town of Winthrop known as East Winthrop and
7 along its existing pipeline;

8 2. To construct, maintain, operate and provide the sewers with all their
9 appurtenances inside the City of Augusta; to extend, increase, enlarge and improve the
10 sewers; to extend the present system or systems to furnish sewerage facilities to portions
11 of the City of Augusta not now served with such facilities; to provide for removal of
12 sewage and to provide for treatment of sewage in whole or in part before discharging it
13 into rivers when and if such treatment becomes necessary; and to provide a system of
14 sewerage for public purposes and for the health and comfort and convenience of the
15 inhabitants of the district; and

16 3. To construct, maintain, operate and provide the stormwater drainage system with
17 all its appurtenances in the City of Augusta; to extend, increase, enlarge and improve the
18 drains; to extend the present system or systems to furnish stormwater drainage facilities
19 to portions of the City of Augusta not now served with such facilities; to provide for
20 surface drainage; and to provide a system of stormwater drainage for public purposes and
21 for the health and comfort and convenience of the inhabitants of the City of Augusta.

22 Notwithstanding the requirements of the Maine Revised Statutes, Title 35-A, section
23 6401, subsection 2, paragraphs A and B, the following provisions of Title 35-A do not
24 apply to the district: section 6401, subsection 3; section 6410, subsection 5; and section
25 6416.

26 **Sec. B-2. Powers and authority.** The district has the following powers and
27 authority.

28 1. The district is authorized for the purposes provided in section 1 to take and hold
29 sufficient water of the Kennebec River, Carleton Pond and Lake Cobbosseecontee and
30 from any other source within the authorized service area of the district and may take and
31 hold by purchase or otherwise any land or real estate necessary for erecting dams, power
32 stations and reservoirs and for preserving the purity of the water and watershed and for
33 laying and maintaining aqueducts for the taking, discharging and disposing of water.

34 The district, for the purposes of its incorporation, is authorized to take and hold, by
35 purchase or otherwise, any land, real estate or water rights necessary for dams, for
36 flowage, for power, for pumping its water supply through its mains, for reservoirs, for
37 preserving the purity of the water and watershed and for laying and maintaining
38 aqueducts and other structures for taking, distributing, discharging and disposing of water
39 and for rights-of-way or roadways to its sources of supply, dams, power stations,
40 reservoirs, mains, aqueducts, structures and lands.

41 The district is further authorized to increase the storage of Carleton Pond and to erect and
42 maintain all proper structures for that purpose.

43 The district is authorized to lay in and through streets and highways and across private
44 lands and to repair and replace all pipes, aqueducts and fixtures as may be necessary and

H. 68

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 convenient for its corporate purposes, and whenever the district lays any pipes or
2 aqueducts in any street or highway it shall do so with as little obstruction as possible to
3 the public travel and shall, at its own expense without unnecessary delay, cause the earth
4 and pavement removed by it to be replaced in proper condition.

5 2. For the purpose of providing a system of sewers and drainage for the comfort,
6 convenience and health of the inhabitants of the district, the district is authorized to take
7 and hold by purchase, lease or the exercise of the right of eminent domain, as provided in
8 section 4 or otherwise, any land or real estate or easement necessary for forming basins,
9 reservoirs and outlets, for the erection of buildings for pumping works and sewage
10 treatment and for laying pipes and maintaining those pipes and for laying and maintaining
11 conduits for carrying and collecting, discharging and disposing of sewage matter and rain
12 water and for other necessary objectives, convenient and proper for the purpose of this
13 Act, and all of such property, wherever located, is exempt from taxation.

14 **Sec. B-3. Transfer of assets; assumption of liabilities and benefits.** Upon
15 acceptance of this Act as provided in Part C, section 3:

16 1. Title to all personal property, real property, assets, benefits and liabilities of the
17 Augusta Water District and the Augusta Sanitary District, including, without limitation,
18 all lands, waters, water rights, buildings and improvements, reservoirs, appurtenant
19 easements and other rights appurtenant to the real property, and all easements in gross
20 and all other interests of the Augusta Water District and the Augusta Sanitary District,
21 passes to and vests in the Greater Augusta Utility District, and the Greater Augusta
22 Utility District shall assume, maintain and operate all personal property, real property,
23 assets, benefits and liabilities of the Augusta Water District and the Augusta Sanitary
24 District;

25 2. The Greater Augusta Utility District shall assume all obligations of the Augusta
26 Water District and the Augusta Sanitary District, including, but not limited to, those
27 obligations under the following bonds: bonds issued to the Maine Municipal Bond Bank
28 by the Augusta Water District in 1990, 1991 and 1994; bonds issued by the Augusta
29 Water District to TD BankNorth in 2001; bonds issued by the Augusta Sanitary District
30 to the Maine Municipal Bond Bank in 1997, 2002, 2003, 2005 and 2006; and a bond
31 issued by the Augusta Sanitary District to Kennebec Savings Bank in 2003; and

32 3. The district shall maintain its books and records in a manner that creates separate
33 divisions for its water and wastewater operations. These divisions must maintain the
34 assets, liabilities, operating revenues and expenses in a manner that allows the Public
35 Utilities Commission to set rates for the district's water operations. The assets and
36 liabilities of the Augusta Water District must be maintained in the books of the water
37 division of the Greater Augusta Utilities District. The assets and liabilities of the Augusta
38 Sanitary District must be maintained in the books and records of the Greater Augusta
39 Utility District's wastewater division.

40 **Sec. B-4. Right of eminent domain conferred.** The district is authorized and
41 empowered to exercise the right of eminent domain in the area of the district set forth in
42 section 1 to acquire and hold, for the purposes set forth in sections 1 and 2, any land, real
43 estate or water rights.

COMMITTEE AMENDMENT

H. 8.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 The district may exercise the right of eminent domain vested in the district for the
2 purposes of this Act after a hearing. Notice of the time and place of the hearing must be
3 given by publication in a newspaper of general circulation in the City of Augusta once a
4 week for 2 successive weeks, the last publication to be at least 2 weeks previous to the
5 time appointed for the hearing. The clerk of the district shall keep a record of the hearing
6 proceedings, and the determination and decision, which must set forth a description of the
7 land or easement taken and the owners, if known, and the amount of damages awarded
8 for it.

9 In lieu of the notice for publication as specified in this section, the notice may be
10 served in hand by an officer duly qualified to serve civil process in this State on the
11 record owner or owners of the premises involved at least 14 days prior to the time
12 appointed for the hearing.

13 Upon the signing of the record of the trustees and the filing of the record in the
14 Registry of Deeds for Kennebec County, the trustees may enter upon the land and take
15 possession of the land or an easement on the land, as the case may be, for the purposes of
16 this Act.

17 A person aggrieved by the decision of the trustees, as it relates to the damages for
18 land or easements on the land taken, has the same rights of appeal as provided in the case
19 of the laying out of town ways pursuant to the Maine Revised Statutes, Title 23, chapter
20 304.

21 The district may not take by right of eminent domain any of the property or facilities
22 of another public utility used, or acquired for future use by the owner in the performance
23 of a public duty, unless expressly authorized in this Act or by a subsequent act of the
24 Legislature.

25 **Sec. B-5. Authority to lay pipes and make all necessary repairs.**

26 1. The district is authorized, for the purposes of supplying water, to lay in and
27 through the streets and highways of the authorized service area described in section 1,
28 subsection 1 and to take up, repair and replace all pipes, aqueducts and fixtures as may be
29 necessary, and when the district lays any pipes or aqueducts in a street or highway it shall
30 do so with as little obstruction as possible to the public travel and shall, at its own
31 expense and without unnecessary delay, cause the earth and pavement removed by it to
32 be replaced in proper condition.

33 2. The district may lay pipes and construct conduits in and through the district and
34 convey through the pipes and conduits sewage, surface water and the natural flowage of
35 existing watercourses and secure and maintain basins, reservoirs and outlets; may build
36 and maintain pumping stations and buildings convenient for the pumping stations; may
37 construct and maintain treatment plants, flush tanks, manholes, stormwater inlets and the
38 usual appliances for collecting, holding, distributing and disposing of sewage and
39 stormwater; may supply water for the flush tanks and for flushing the system of sewers
40 and for any other purposes the district may determine desirable and install all pipes and
41 necessary structures and appliances to this end; may establish through and by its trustees
42 regulations for the use of sewers and fix and collect the prices to be paid for entering the
43 sewers and also the service charges for the use of the sewers; may enter into contracts
44 with persons, corporations or municipalities to care for sewage or drainage through the

COMMITTEE AMENDMENT

H. S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 district's system; and may, for the purposes provided in this Act, lay down, in and through
2 the streets, highways and land of the district, and take up, replace and repair, all conduits,
3 pipes and fixtures as may be necessary or desirable for the purposes of its incorporation,
4 carry and lay conduits and pipes under any watercourse, public or private way or railroad,
5 in the manner prescribed in this Act, and cross any water pipe, gas pipe, electric conduit,
6 drain or sewer or, if necessary, change its direction in such a manner as not to obstruct its
7 use by the construction of any of the works of the district, either during the construction
8 or after the construction has been completed or while the construction is undergoing
9 repairs or extensions are being made.

10 3. When crossing a public utility, unless consent is given by the company owning or
11 operating the public utility as to place, manner and conditions of the crossing within 30
12 days after the consent is requested by the district, the Public Utilities Commission shall
13 determine the place, manner and conditions of the crossing, and all work on the property
14 of the public utility must be done under the supervision and to the satisfaction of the
15 public utility, but at the expense of the district.

16 **Sec. B-6. Excavations and repair work; property to be left in good**
17 **condition; closing of streets.** Whenever the district enters, digs up or excavates a
18 street, way, highway or other land for any of the purposes set forth in this Act, the street,
19 way, highway or other land must, at the completion of the work, be returned to the
20 condition the street, way, highway or other land was in prior to the work of the district or
21 to a condition equally as good.

22 When the work of the district endangers travel on a street or way, the cities or towns
23 shall direct the temporary closing of the street or way and of intersecting streets or ways,
24 upon request of the district, and the streets or ways must remain closed to public traffic
25 until the work of the district is completed and the surfaces of the streets or ways are
26 restored to a proper condition, as provided in this section.

27 **Sec. B-7. System extensions.**

28 1. All water line extensions must be made in accordance with the governing statutes
29 and rules of the Public Utilities Commission.

30 2. The district has the right to determine whether extensions to its sewer system are
31 made, with such discretion to be subject to review by the authority of local and state
32 health officials and the Department of Environmental Protection. A sewer extension
33 must be in conformity with adopted municipal plans and ordinances regulating land use.

34 **Sec. B-8. Duty to serve; obligation to connect.**

35 1. The district's duty to provide water service is governed by the statutes and rules of
36 the Public Utilities Commission.

37 2. The district, at all times after it commences receiving payments for the sewer
38 facilities supplied by it, is bound to permit the owners of all premises abutting upon its
39 lines of pipes and conduits to connect to the system with all proper sewage, upon
40 conformity to the rules and regulations of the district and payments of the prices,
41 assessments and rental established by the district.

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 Every building in the areas served by the district intended for human habitation or
2 occupancy on premises abutting on a street in which there is a public sewer or such a
3 building within 100 feet of a public sewer must have a house drainage system connected
4 with the sewer by the owner or agent of the premises in the most direct manner possible.
5 If feasible, each house or building must be connected with a separate connection, except
6 that buildings that are already served by a satisfactory private sewage disposal system
7 that meets and continues to meet the requirements of the plumbing code for the State are
8 not required to connect with the public sewer.

9 **Sec. B-9. Assessment against lot benefited by drain or sewer.** When the
10 district has constructed and completed a public drain or common sewer, the trustees shall
11 determine what lots or parcels of land are benefited by the drain or sewer. The trustees
12 shall estimate and assess upon the lots and parcels of land and against the owner, or
13 person in possession, whether the person to whom the assessment is made is the owner,
14 tenant, lessee or agent, and whether the lot or parcel of land is occupied or not, a sum not
15 exceeding the benefit as the trustees determine just and equitable towards defraying the
16 expenses of constructing and completing the drain or sewer, together with the sewage
17 disposal units and appurtenances as may be necessary.

18 The trustees shall file with the clerk of the district the location of the drain or sewer
19 and sewage disposal unit, with a profile description of the location, a statement of the
20 amount assessed upon each lot or parcel of land, a description of each lot or parcel and
21 the name of the owner of the lots or parcels of land or person against whom the
22 assessment is being made. The clerk of the district shall record the assessment in a book
23 kept for that purpose. Within 10 days after filing the notice, each person assessed must
24 be notified of the assessment by having an authentic copy of the assessment, with an
25 order of notice signed by the clerk of the district, stating the time and place for a hearing
26 upon the subject matter of the assessments, given to each person or left at the person's
27 usual place of abode in the district. If the person has no place of abode in the district,
28 then the notice must be given or left at the abode of the person's tenant or lessee if the
29 person has one in the district. If the person has no tenant or lessee in the district, the
30 person assessed must be notified by a posting of the notice in some conspicuous place in
31 the vicinity of the lot or parcel of land assessed, at least 30 days before the hearing, or the
32 notice may be given by publishing the notice once a week for 3 successive weeks in a
33 newspaper of general circulation in the City of Augusta, the first publication to be at least
34 30 days before the hearing. A return made upon a copy of the notice by a constable in the
35 City of Augusta or the production of the paper containing the notice is conclusive
36 evidence that the notice has been given. At the hearing the trustees have power to revise,
37 increase or diminish any of the assessments, and all revisions, increases or diminutions
38 must be in writing and recorded by the clerk.

39 **Sec. B-10. Wastewater assessment; right of appeal.** A person aggrieved by
40 the decision of the trustees as it relates to the assessment for sewer construction has the
41 same rights of appeal as provided in the case of the laying out of town ways pursuant to
42 the Maine Revised Statutes, Title 23, chapter 304.

43 **Sec. B-11. Lien for unpaid wastewater assessments.** All assessments made
44 under the provisions of section 9 create a lien upon each lot or parcel of land assessed and
45 the buildings upon the same, which takes effect when the trustees file with the clerk the

COMMITTEE AMENDMENT

P. 88.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 completed assessment. Within 10 days after the date of hearing on the assessment, the
2 clerk shall make out a list of all assessments, the amount of each and the names of the
3 persons against whom the same are assessed and shall certify the list and deliver it to the
4 treasurer of the district. If the assessments are not paid within 3 months from the date of
5 filing of the completed assessment, the treasurer may proceed to collect the assessment in
6 the following manner:

7 1. After the expiration of 3 months and within 18 months after the date the
8 assessment is filed with the treasurer, if a person is a resident in the town where assessed,
9 the treasurer shall give to the person against whom the assessment is made or leave at the
10 person's last and usual place of abode a notice in writing signed by the treasurer stating
11 the amount of the assessment, describing the real estate upon which the lien is claimed,
12 stating that a lien is claimed on the real estate to secure the payment of the assessment
13 and demanding the payment of the assessment within 10 days after the service of the
14 notice. The treasurer in one notice may incorporate several delinquent rates that are in
15 default at least 3 months and not over 18 months.

16 After the expiration of the 10 days and within 10 days after the 10-day expiration, if a
17 person is a resident of the district, and in all other cases within one year from the date of
18 service of notice, the treasurer shall record in the Kennebec County Registry of Deeds a
19 certificate signed by the treasurer stating the amount of the assessment, a description of
20 the real estate on which the lien is claimed, an allegation that a lien is claimed on the real
21 estate to secure the payment of the assessment, that a demand for the payment of the
22 assessment has been made in accordance with the provisions of this section and that the
23 assessment remains unpaid.

24 If a person is not a resident of the district, the notice of lien and demand for payment
25 must be given by registered or certified mail or by publication in a newspaper of general
26 circulation inside the City of Augusta once a week for 2 successive weeks and must
27 demand payment within 10 days after the date of mailing of the notice or the date of last
28 publication of notice. After the expiration of the 10 days, the treasurer shall record the
29 certificate.

30 At the time of the recording of the certificate in the Kennebec County Registry of Deeds
31 as provided in this section, in all cases the treasurer shall file in the office of the district a
32 true copy of the certificate. At the time of recording of the certificate, the treasurer shall
33 mail a true copy of the certificate by registered or certified mail to each record holder of a
34 mortgage on the real estate, addressed to the record holder at the record holder's last and
35 usual place of abode. The fee charged by the district to the assessed party for the notice
36 and filing is determined by the trustees and must include at a minimum the amount
37 charged to the district for the recording of the certificate in the Kennebec County Registry
38 of Deeds. Upon redemption, the district shall prepare and record a discharge of the sewer
39 lien upon collecting from the assessed party the charge for recording the discharge.

40 The filing of the certificate in the Kennebec County Registry of Deeds pursuant to this
41 section is deemed to create and creates a mortgage on the real estate to the district, having
42 priority over all other mortgages, liens, attachments and encumbrances of any nature,
43 except liens, attachments and claims for taxes, and gives the district all the rights usually
44 incident to a mortgagee, except that the district has no right of possession of the real
45 estate until the right of redemption provided for in this section has expired. If the

COMMITTEE AMENDMENT

H. O. S.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 mortgage, together with interest and costs, is not paid within 18 months after the date of
2 filing of the certificate in the Kennebec County Registry of Deeds as provided in this
3 section, the mortgage is deemed foreclosed and the right of redemption has expired. The
4 filing of the certificate in the Kennebec County Registry of Deeds is sufficient notice of
5 the existence of the mortgage provided for in this section. In the event that the
6 assessment, interest and costs are paid within the period of redemption provided for in
7 this section, the treasurer of the district shall discharge the mortgage in the same manner
8 as is provided for discharge of real estate mortgages; or

9 2. After the expiration of 3 months after the date the assessment is filed with the
10 treasurer, the treasurer may bring a civil action for the collection of the assessment in the
11 name of the district against the person against whom the assessment is made and for the
12 enforcement of the lien. The civil action may be commenced without the filing of a
13 certificate of lien in the Kennebec County Registry of Deeds pursuant to subsection 1.
14 The complaint in an action must contain a statement of the assessment, a description of
15 the real estate against which the assessment is made and an allegation that a lien is
16 claimed on the real estate to secure the payment of the assessment. If service is not made
17 upon the defendant or if it appears that other persons have an interest in the real estate,
18 the court shall order further notice of the action as the court determines proper and shall
19 allow the other persons to become parties to the action.

20 If it appears upon trial of the action that the assessment was legally made against the real
21 estate, the assessment is unpaid and there is an existing lien on the real estate for the
22 payment of the assessment, judgment must be rendered for the assessment, interest and
23 costs of suit against the defendants and against the real estate upon which the assessment
24 was made and execution issued on the judgement to be enforced by sale of the real estate
25 in the manner provided for a sale on execution of real estate attached on original process.
26 In making the sale, the officer shall follow the procedure in selling and conveying the real
27 estate and shall provide the same rights of redemption as provided in the Maine Revised
28 Statutes, Title 36, section 941.

29 **Sec. B-12. Additional methods of collection of wastewater assessments.** If
30 assessments under the provisions of section 9 are not paid and the district does not
31 proceed to collect unpaid assessments by a sheriff's sale of the real estate upon which the
32 assessments are made under section 11 or does not collect or is in any manner delayed or
33 defeated in collecting the assessments by a sheriff's sale of the real estate under section
34 11, then the district, in the name of the district, may maintain an action against the party
35 assessed for the amount of the assessment, for money paid, laid out and expended, in any
36 court competent to try the suit, and in the suit may recover the amount of the assessment
37 with 10% interest on the assessments from the date of the assessments and costs.

38 **Sec. B-13. Assessments paid by other than owner; recovered.** When an
39 assessment under the provisions of section 9 is paid by a person against whom the
40 assessment has been made who is not the owner of the lot or parcel of land, then the
41 person paying the assessment has a lien on the lot or parcel of land with the buildings on
42 the lot or parcel of land for the amount of the assessment paid by the person and
43 incidental charges. The lien may be enforced in the way and manner provided for the
44 enforcement of liens in section 11.

45 **Sec. B-14. Penalty for violation.**

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 1. The liability and penalties for a person who violates the provisions of this Act
2 relating to the district's authority to provide water service or the regulations of the district
3 adopted in accordance with the authority granted under this Act relating to water service
4 must be in accordance with the governing statutes and rules of the Public Utilities
5 Commission.

6 2. A person who violates the provisions of this Act or the regulations of the district
7 adopted in accordance with the authority granted under this Act relating to the district's
8 authority to provide sewer service is liable to pay twice the amount of the damage to the
9 district, to be recovered in a proper action. The penalty for violation of a pretreatment
10 standard or requirement by an industrial user is governed by the Maine Revised Statutes,
11 Title 38, section 1252, subsection 8.

12 A person who places, discharges or leaves an offensive or injurious matter or material on
13 or in the sewer conduits, sewer catch basins or sewer receptacles of the district contrary to
14 its sewer use regulations, or knowingly injures a conduit, pipe, reservoir, flush tank, catch
15 basin, manhole, drain, outlet, engine, pump or other property held, owned or used by the
16 district for sewer purposes, is guilty of a Class E crime. In addition to sentencing
17 alternatives provided under the Maine Revised Statutes, Title 17-A, a person is also liable
18 to pay twice the amount of the damage to the district, to be recovered in a proper action.

19 **Sec. B-15. Free access to premises.**

20 1. The district's rights of access to water customer premises are governed by the
21 Maine Revised Statutes, Title 35-A and rules of the Public Utilities Commission.

22 2. The officers or agents of the district have free access to all premises served by its
23 sewers, at all reasonable hours to permit the inspection of plumbing and sewerage
24 fixtures, to ascertain the amount of sewage discharged and the manner of discharge and to
25 enforce the provisions of this Act and any rules and regulations that may be prescribed by
26 the district.

27 **Sec. B-16. Payment of rates required; purpose of revenue generally.**

28 1. All individuals, firms and corporations, whether private, public or municipal, shall
29 pay to the treasurer of the district the rates established by the trustees pursuant to the
30 Maine Revised Statutes, Title 35-A for the water used by the individuals, firms or
31 corporations. The water rates must be uniform throughout the territory established in
32 section 1.

33 2. All individuals, firms and corporations, whether private, public or municipal, shall
34 pay to the treasurer of the district the rates and assessments established by the trustees to
35 pay for the cost of the wastewater works and for the wastewater service used by the
36 individuals, firms or corporations. The wastewater rates must be uniform throughout the
37 territory established in section 1. The wastewater rates may include a readiness-to-serve
38 charge against owners or persons in possession, or against whom taxes are assessed, of all
39 buildings or premises intended for human habitation or occupancy, whether the buildings
40 or premises are occupied or not, that abut on a street through which the district has a
41 sewerage main or that abut a location through which the district has a sewerage main by
42 which service of the buildings or premises is feasible, as long as in either instance the
43 property line of the premises is within 100 feet of the sewerage main whether or not the
44 premises are actually connected to the sewerage main.

H. 65.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

- 1 The wastewater rates must be established to provide revenue for the following purposes:
- 2 A. To pay the current expenses of operating and maintaining the sewerage, drainage
- 3 and treatment systems of the district;
- 4 B. To provide for the payment of the interest and principal on the indebtedness
- 5 created or assumed by the district;
- 6 C. To provide funds for paying the cost of all necessary repairs, replacements or
- 7 renewals of the sewerage, drainage and treatment systems of the district; and
- 8 D. To pay or provide for all amounts that the district may be obligated to pay or
- 9 provide by law or contract, including any resolution or contract with or for the benefit
- 10 of the holders of its bonds and notes.

11 3. For purposes of establishing water and wastewater rates, all of the district's costs
 12 of service must be equitably allocated between water and wastewater operations to
 13 minimize any cross-subsidies between water ratepayers and wastewater ratepayers. The
 14 district shall maintain records supporting and documenting the methods used to allocate
 15 all costs between the water and wastewater operations.

Sec. B-17. Lien to secure payment of rates; procedure.

17 1. There is a lien on real estate served by the district to secure the payment of water
 18 rates established and due under the provisions of section 16 and the lien takes precedence
 19 over all other claims on the real estate, except claims for taxes and sewer liens. In
 20 addition to other methods established by law for the collection of the water rates, the lien
 21 created in this subsection may be enforced in the manner set forth in the Maine Revised
 22 Statutes, Title 35-A, section 6111-A.

23 2. There is a lien on real estate served by the several sewers and drains of the district
 24 to secure the payment of wastewater rates established and due under the provisions of
 25 section 16 and the lien takes precedence over all other claims on the real estate, except
 26 claims for taxes. In addition to other methods previously established by law for the
 27 collection of the rates, the lien created in this subsection may be enforced in the manner
 28 set forth in the Maine Revised Statutes, Title 38, section 1208.

29 **Sec. B-18. Authority to borrow money.** For accomplishing the purposes of this
 30 Act and for other expenses that may be necessary for the carrying out of the purposes of
 31 this Act, the district, through its trustees, without district vote, is authorized to issue its
 32 notes and bonds in one series or in separate series from time to time and to make
 33 subsequent renewals of the notes and bonds in whole or in part.

34 The notes and bonds are a legal obligation of the district, are a legal investment for
 35 savings banks in the State and are exempt from all present taxes. The district is declared
 36 to be a quasi-municipal corporation for the purposes of the Maine Revised Statutes, Title
 37 30-A, section 5701 and all the provisions of that section.

38 Each bond or note must have inscribed on its face the words "Greater Augusta Utility
 39 District Bond" or "Greater Augusta Utility District Note," as the case may be, and must
 40 bear interest at such rates as the trustees determine.

41 Bonds or notes may be issued from time to time and each authorized issue constitutes
 42 a separate loan.

COMMITTEE AMENDMENT

P. 5.

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 The bonds or notes must contain such terms and conditions, bear such a rate or rates
2 of interest and be sold in such a manner, at public or private sale, at par, at a discount or
3 at a premium, all as the trustees determine.

4 **Sec. B-19. Board of Trustees; tenure; duties.**

5 1. All the affairs of the Greater Augusta Utility District are managed by a Board of
6 Trustees comprised of 5 voting members and one nonvoting representative of the City of
7 Augusta. The 5 voting members must be appointed by the mayor of the City of Augusta,
8 with the approval of a majority of the Augusta City Council. The nonvoting member
9 must be the mayor of the City of Augusta or the mayor's designee.

10 A member of the Augusta City Council, an employee of the City of Augusta or an
11 employee of the Greater Augusta Utility District may not be chosen as a voting member
12 of the Board of Trustees during the councilor's term on the city council or the employee's
13 term of employment. All trustees must be residents of the City of Augusta.

14 Trustees are appointed to 3-year terms. Terms are to be staggered. If a vacancy occurs
15 due to death or other cause, the mayor shall appoint, with the approval of a majority of
16 the city council, a new member to fill out the unexpired term.

17 The term of a trustee continues until the trustee's successor is appointed and qualified.

18 2. Meetings of the trustees must be held monthly at a time and place to be
19 determined by the trustees. A quorum consists of 3 voting trustees.

20 The trustees may engage the services of engineers and laborers, purchase all necessary
21 material and supplies and construct the drains and sewers under their own supervision, or
22 they may, if they determine it advantageous, contract with a responsible person, firm or
23 corporation for the construction of the drains and sewers, but the district is not released
24 from liability by reason of having contracted with a person, firm or corporation as
25 provided in this subsection for the construction of any sewer, drain or other structure.

26 The trustees shall adopt a corporate seal and all bylaws and regulations necessary to
27 operate the district.

28 The trustees shall publish an annual report of the district's finances.

29 A trustee of the district may not have an interest, either directly or indirectly, in any
30 contract or agreement entered into by the district for the construction of any sewer, drain
31 or other structure in the area served by the district. The district may enter upon or take
32 land or any easement on the land of any officer of the district while the person is an
33 officer and award damages to the officer for the land if in the opinion of the trustees the
34 entering or taking is necessary for the purposes of the district.

35 3. The trustees shall annually elect a chair, a clerk, a treasurer and any other officer
36 or agent as the trustees consider necessary. The trustees shall elect an assistant treasurer,
37 who must be a trustee or an employee of the district.

38 4. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection
39 7 and Title 38, section 1252, subsection 5, the trustees shall establish the level of
40 compensation each year, not to exceed the level established for councilors and officers of
41 the Augusta City Council.

COMMITTEE AMENDMENT

H. of S.

1 **Sec. B-20. Incidental powers, rights and privileges.** All incidental powers,
2 rights and privileges necessary to the accomplishment of this Act are granted to the
3 district.

4 **Sec. B-21. Monmouth to Augusta trunk sewer; authority, powers of**
5 **districts, inhabitants; property exempt from taxation.** The district is authorized
6 to own, operate and maintain a sewer line from the Town of Monmouth to the City of
7 Augusta through the Town of Manchester, the Town of Winthrop and the Town of
8 Monmouth in order to receive domestic, commercial, municipal and industrial wastes and
9 sewerage from the Town of Monmouth and areas along the sewer line and treat the
10 wastes and sewerage prior to discharge of the effluent into the Kennebec River at the City
11 of Augusta. The district's authority to provide wastewater service outside the service area
12 limits set forth in section 1 is limited to the provision of wholesale wastewater service to
13 other utilities in those municipalities where another utility or municipality provides
14 wastewater service.

15 The district is authorized to use its rights, powers and privileges under this Act for the
16 purpose of owning, operating and maintaining a sewer line from the Town of Monmouth
17 to the City of Augusta, including, but not limited to, the right to acquire and hold real
18 estate and personal estate necessary and convenient for the purpose of this section; to take
19 and hold by purchase, lease or the exercise of the right of eminent domain or otherwise
20 any land or real estate or easement in land or real estate inside or outside the area served
21 by the district necessary for forming basins, reservoirs and outlets, for erection of
22 buildings for pumping works and sewage treatment, for laying pipes and maintaining the
23 buildings and pipes, for laying and maintaining conduits and appurtenances for carrying
24 and collecting, discharging and disposing of sewage matter and for other objectives
25 necessary, convenient and proper for the purposes of this section; to establish through and
26 by its trustees regulations for the use of the sewers and to fix and collect the prices to be
27 paid for entering the sewers and the service charges for the use of the sewers; to enter into
28 contracts with persons, corporations or municipalities inside or outside the area served by
29 the district including the Winthrop Utilities District, the Manchester Sanitary District, the
30 Monmouth Sanitary District, the City of Hallowell, the Hallowell Water District and any
31 quasi-municipal corporation or district formed or to be formed in order to care for or treat
32 sewage or drainage from lateral sewers or otherwise through the district's system; to lay
33 down, in and through the streets and highways inside or outside the area served by the
34 district and to take up, replace and repair all conduits, pipes and fixtures that may be
35 necessary or desirable for the purpose; to carry and lay conduits and pipes under any
36 watercourse, lake, public or private way or railroad and to cross any water pipe, gas pipe,
37 electric conduit, drain or sewer pursuant to this Act; to make and file assessments and
38 liens for the cost of the assessments; to issue notes and bonds through its trustees without
39 district vote in one series or in separate series from time to time and to make subsequent
40 renewals of the notes and bonds in whole or in part to provide for the financing of the
41 notes and bonds; to establish and collect rates and enforce the collection of the rates by
42 lien and otherwise; to apply for and receive state and federal loans, grants and other forms
43 of aid; and in general to use all of its rights, powers and privileges under this Act along
44 the sewer line as though the sewer line were solely within the area set forth in section 1 as
45 the service area limits of the district. Wherever located, the property, both real and
46 personal, rights and franchises used in connection with the wastewater system are exempt

1 from taxation. All incidental powers, rights and privileges necessary to the
2 accomplishment of the objectives set forth in this section are granted to the district.

3 The Winthrop Utilities District, the Manchester Sanitary District, the Monmouth
4 Sanitary District, the City of Hallowell, the Hallowell Water District, any quasi-municipal
5 corporation or district, formed or to be formed, and any other persons or corporations are
6 authorized to enter into contracts with the district for sharing in the capital cost and
7 operation and maintenance cost of the sewer line and any facilities in connection with the
8 sewer line, including facilities for secondary treatment of wastes and any lateral sewers or
9 other systems that may connect to the sewer line.

10 **Sec. B-22. P&SL 1903, c. 334**, as amended by P&SL 1975, c. 87, §§1 to 5, is
11 repealed.

12 **Sec. B-23. P&SL 1955, c. 139**, as amended by P&SL 1991, c. 10, §§1 and 2, is
13 repealed.

14 **Sec. B-24. Existing trustees.** The commissioners of the Augusta Sanitary District
15 and the trustees of the Augusta Water District holding office on the effective date of this
16 Act hold office as trustees of the Greater Augusta Utility District for the terms for which
17 they were appointed, and as each term expires one trustee must be selected by the
18 appointing authority to serve for a term of 3 years.

19 **PART C**

20 **Sec. C-1. Referendum; effective date.** This Act takes effect when approved
21 only for the purpose of permitting its submission to the legal voters of the City of
22 Augusta and the City of Hallowell on November 6, 2007. The election must be called,
23 advertised and conducted according to the law relating to municipal elections, except that
24 the boards of registration in the City of Augusta and the City of Hallowell are not
25 required to prepare for posting or the city clerks to post, a new list of voters, and for the
26 purpose of registration of voters, the boards of registration are required to be in session
27 the 3 secular days preceding the election, of which the first 2 days must be devoted to
28 registration of the voters and the last day to verification of the lists and completion of the
29 records of the sessions. A checklist of the names of legal voters must be used at the
30 election. The city clerks shall prepare the required ballots.

31 1. The subject matter of this Act is reduced to the following 2 questions for the City
32 of Augusta:

33 Question A. "Do you favor merging the Augusta Water District and the Augusta
34 Sanitary District to form the Greater Augusta Utility District?"

35 Question B. "Do you favor including the sewer functions of the Hallowell Water
36 District in the Greater Augusta Utility District?"

37 The voters of the City of Augusta shall indicate by a cross or check mark placed against
38 the word "Yes" or "No" their opinion of the same.

39 2. The subject matter of this Act is reduced to the following question for the City of
40 Hallowell:

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 "Do you favor including the sewer functions of the Hallowell Water District in the
2 Greater Augusta Utility District?"

3 The voters of the City of Hallowell shall indicate by a cross or check mark placed against
4 the word "Yes" or "No" their opinion of the same.

5 The results of the City of Augusta and the City of Hallowell elections pursuant to this
6 Part must be declared by the municipal officers and due certificate of the results filed by
7 the city clerks with the Secretary of State. This Act takes effect for all other purposes as
8 provided in sections 2 and 3.

9 **Sec. C-2. Election results; full consolidation.** Part A, providing for the merger
10 of the Augusta Water District, the Augusta Sanitary District and the sewer service
11 provided by the Hallowell Water District to create the Greater Augusta Utility District,
12 takes effect upon:

13 1. The acceptance of both of the 2 questions specified in section 1, subsection 1 by a
14 majority of the legal voters voting at the City of Augusta election pursuant to section 1 if
15 the total number of votes cast for and against the acceptance of each question equals or
16 exceeds 20% of the total vote for all candidates for Governor cast in the City of Augusta
17 at the next previous gubernatorial election; and

18 2. The acceptance of the question specified in section 1, subsection 2 by a majority of
19 the legal voters voting at the City of Hallowell election pursuant to section 1 if the total
20 number of votes cast for and against the acceptance of the question equals or exceeds
21 20% of the total vote for all candidates for Governor cast in the City of Hallowell at the
22 next previous gubernatorial election.

23 **Sec. C-3. Election results; Augusta consolidation only.** Part B, providing for
24 the merger of the Augusta Water District and the Augusta Sanitary District to create the
25 Greater Augusta Utility District, takes effect upon the acceptance of the question
26 specified in section 1, subsection 1, question A by a majority of the legal voters voting at
27 the City of Augusta election pursuant to section 1 if the total number of votes cast for and
28 against the acceptance of the question equals or exceeds 20% of the total vote for all
29 candidates for Governor cast in the City of Augusta at the next previous gubernatorial
30 election and if the question specified in section 1, subsection 2 is not accepted by a
31 majority of the legal voters voting at the City of Hallowell election pursuant to section 1.'

32 **SUMMARY**

33 This amendment replaces the bill. The amendment creates the Greater Augusta
34 Utility District subject to referendum. If approved by the voters of the City of Augusta
35 and the voters of the City of Hallowell, it provides for the merger of the Augusta Water
36 District, the Augusta Sanitary District and the sewer functions of the Hallowell Water
37 District to create the Greater Augusta Utility District. If approved by the voters of the

COMMITTEE AMENDMENT "A" to S.P. 621, L.D. 1754

1 City of Augusta but not the voters of the City of Hallowell, it provides for the merger of
2 the Augusta Water District and the Augusta Sanitary District to create the Greater
3 Augusta Utility District.

4 **FISCAL NOTE REQUIRED**
5 (See attached)



123rd MAINE LEGISLATURE

LD 1754

LR 2547(02)

An Act To Incorporate the Greater Augusta Utility District

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Public Utilities Commission utilizing existing budgeted resources.