

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1469

S.P. 449

In Senate, April 2, 2019

An Act To Amend the Charter of the Rumford-Mexico Sewerage District

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.
Cosponsored by Representative: DOLLOFF of Rumford.

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

2 **Sec. 1. P&SL 1971, c. 79, §17, first ¶, 2nd sentence,** as enacted by P&SL
3 1971, c. 79, is amended to read:

4 The district trustees shall also determine the portion of the total sums to be raised for the
5 calendar year and the amounts to be apportioned to the Town of Rumford and the Mexico
6 Sewer District, the initial public users, and to any other municipal or quasi-municipal
7 sewer, sewerage, sanitary or storm water system or district served by the district, referred
8 to as subsequent public users.

9 **Sec. 2. P&SL 1971, c. 79, §17, 2nd ¶, first sentence,** as enacted by P&SL
10 1971, c. 79, is amended to read:

11 ~~Said~~ The total anticipated sums necessary for the operation and maintenance ~~shall be~~ is
12 the total of sums required in any year for unfunded capital costs and financing costs plus
13 costs of operation less funds on hand or in the judgment of the trustees to be received
14 during ~~said~~ that year from other than the Town of Rumford and Mexico Sewer District
15 and any subsequent public users and available or to be available within ~~said~~ that year to
16 pay unfunded capital costs and financing costs or operating costs, as the case may be.

17 **Sec. 3. P&SL 1971, c. 79, §17, last ¶,** as enacted by P&SL 1971, c. 79, is
18 amended to read:

19 If a surplus exists at the end of a calendar year, it may be transferred to a surplus or
20 capital account ~~which shall~~ that may not exceed ~~\$25,000~~ \$80,000 or ~~3%~~ 10% of the total
21 sum apportioned in the prior calendar year to the Town of Rumford and Mexico Sewer
22 District and subsequent public users, whichever is the larger. The trustees may add to the
23 sinking fund, if any, so much of any excess over ~~said~~ the limitations as they determine
24 advisable, and any remainder ~~shall~~ must be credited on an equitable basis against sums
25 otherwise to be apportioned to the Town of Rumford, the Mexico Sewer District and any
26 subsequent public users and any persons, firms or corporations other than ~~said~~ the town
27 and sewer district and any subsequent public users under contract to pay for the use of the
28 district's facilities during the year as at the end of which ~~such~~ the surplus was ~~so~~ created.

29 **Sec. 4. P&SL 1971, c. 79, §18, first ¶,** as enacted by P&SL 1971, c. 79, is
30 amended to read:

31 **Sec. 18. Apportionment of annual costs; annual apportionments;**
32 **obligation to pay same.** The trustees shall annually apportion the amount determined
33 under section 17 between the Town of Rumford and the Mexico Sewer District and any
34 subsequent public users, sometimes collectively referred to as public users, on a basis
35 established by vote of a majority of the trustees. In the absence of a basis being so
36 established, the apportionment must be conducted on the following basis:

37 **Sec. 5. P&SL 1971, c. 79, §18, sub-§§1 and 2,** as enacted by P&SL 1971, c. 79,
38 are amended to read:

1 1. Unfunded capital costs and financing costs of joint use facilities ~~shall~~ must be
2 apportioned in the ratio of the percentage of use capability of the district's facilities as
3 between the Town of Rumford and Mexico Sewer District and any subsequent public
4 user, as determined by the trustees upon the basis of engineering estimates to be
5 prepared for the trustees of the use capability of the initial facilities, and of such
6 additional facilities as may from time to time be installed and such other scientific
7 data or opinion as the trustees ~~deem~~ determine pertinent. Facilities that are not jointly
8 used ~~shall~~ must be paid for entirely by the community ~~which~~ that they serve; and

9 2. Operating costs ~~shall~~ must be apportioned according to the estimated use of the
10 district's facilities to be made by the Town of Rumford and Mexico Sewer District
11 and any subsequent public user until such facilities have been in operation for one
12 calendar year as determined by the trustees. When such facilities ~~shall~~ have been in
13 operation for a calendar year, the apportionment of operating costs thereafter ~~shall~~
14 must be based upon the measured flow of waste water and sewage entering such
15 facilities during the previous year from each public user. No flows from private users
16 ~~shall~~ may be considered in the flows used for this apportionment of costs. The
17 operating costs for facilities that are not jointly used ~~shall~~ must be paid entirely by the
18 community ~~which~~ that they serve.

19 **Sec. 6. P&SL 1971, c. 79, §18, last 2 ¶¶**, as enacted by P&SL 1971, c. 79, are
20 amended to read:

21 The amount so apportioned for each public user ~~shall~~ must, prior to February 1st in
22 each year, be certified by the trustees to the assessors of the Town of Rumford and the
23 trustees of Mexico Sewer District and the respective assessor and trustees of any
24 subsequent public user. The assessors of the ~~Town of Rumford~~ municipal public users
25 without further vote shall include the amount so certified in those amounts to be annually
26 raised by municipal tax or assessment. The trustees of ~~Mexico Sewer District~~ the quasi-
27 municipal public users shall include the amount so certified as a current expense ~~which~~
28 ~~shall~~ that must be paid from the sewer rates ~~fixed pursuant to Private and Special Laws~~
29 ~~1957, chapter 156, and any amendments thereto~~ of each quasi-municipal public user. The
30 respective treasurers of ~~said town and district~~ those public users shall pay the amount so
31 certified to the treasurer of the district in 4 substantially equal installments on or before
32 March 1st, June 1st, September 1st and December 1st of that year.

33 ~~The Town of Rumford~~ Each municipal public user may raise all or a portion of the
34 amounts certified annually by the district through equitable and proportional charges
35 against its inhabitants, corporations and other users of its sewerage system and ~~said town~~
36 the municipal public user and ~~Mexico Sewer District~~ shall the quasi-municipal public
37 users have in addition to any other authority granted by law, the same authority and
38 power with respect to the collection of sewer rents, fees and charges as are granted by the
39 Maine Revised Statutes, Title 38, section 1208 to treasurers of sanitary sewer districts
40 with respect to rates established and due under Title 38, section 1202 ~~of said Title 38~~.

41 **Sec. 7. P&SL 1971, c. 79, §19, first sentence**, as enacted by P&SL 1971, c. 79,
42 is amended to read:

1 The ~~Town of Rumford and Mexico Sewer District~~ public users shall pay for services
2 provided by the district through the payment of their proportioned shares under section
3 18.

4 **Sec. 8. P&SL 1971, c. 79, §19, last ¶**, as amended by PL 1975, c. 461, §31, is
5 further amended to read:

6 Rates, tolls, rents and entrance charges by the district, ~~the Town of Rumford and the~~
7 ~~Mexico Sewer District shall~~ and the public users must be uniform within their respective
8 territories except as provided in this section. Notwithstanding the foregoing sentence, the
9 respective selectmen of the Town of Rumford, the and trustees of ~~Mexico Sewer District~~
10 the public users and the trustees of the district, as the case may be, may establish rates,
11 tolls, rents or entrance charges higher than the regular rates, tolls, rents and entrance
12 charges otherwise applicable whenever the cost of installation or maintenance of sewers
13 or their appurtenances or the cost of service is or is expected to be substantially higher for
14 a particular section or area the boundaries of which ~~shall~~ must be established after a
15 public hearing, notice of which ~~shall~~ must be published at least 2 times in a newspaper
16 having a circulation in the district, the first such publication to be not later than 14 days
17 before the date of the hearing and the last such publication to be not later than 5 days
18 before ~~said~~ the date of the hearing. In order to recover such portion or all of such higher
19 cost of construction or maintenance, or the cost of service, ~~said~~ the selectmen, ~~trustees of~~
20 ~~Mexico Sewer District~~ or trustees of ~~the district~~, as the case may be, shall first determine
21 the added costs ~~which~~ that are fairly allocable to such section or area and the reasons
22 ~~therefor~~ for the added costs. Any such higher rates, tolls, rents and entrance charges ~~shall~~
23 must be uniform throughout the sections or areas where they apply.

24 **SUMMARY**

25 This bill updates and clarifies provisions of the charter of the Rumford-Mexico
26 Sewerage District regarding the determination of actual apportionable costs, the
27 apportionment of annual costs and rate charges.