

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

and

FIFTH SPECIAL SESSION

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

tory Fund, Public Utilities Commission is allocated for the fiscal year July 1, 1982 to June 30, 1983 and shall be segregated, apportioned and disbursed as designated in the following schedule:

1982-83

ECONOMIC DEVELOPMENT
PUBLIC UTILITIES COMMISSION

Regulatory Fund

Personal Services	\$ 85,389
All Other	294,611
Capital Expenditures	<u>20,000</u>
Total	\$400,000

This makes additional allocations from the Regulatory Fund, Public Utilities Commission. Legislative allocation is required by Title 35, section 17, subsection 2.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1982.

Effective July 1, 1982.

CHAPTER 103

H.P. 2097 - L.D. 2031

AN ACT to Revise the Charter of the
Brunswick Sewer District.

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

P&SL 1947, c. 77, as amended, is repealed and the following enacted in its place:

BRUNSWICK SEWER DISTRICT

CHAPTER 77

PART 1

GENERAL PROVISIONS

Sec. 1. Short title. This document shall be known as the "Brunswick Sewer District Charter, revised version 1982," called "the charter." It replaces the charter of 1947, as amended to date.

Sec. 2. Brunswick Sewer District created. The Brunswick Sewer District, called "the district," is a quasi-municipal corporation which has been created for the purpose of providing and maintaining, within the territorial limits of the district, a sewer system for the collection, treatment and disposal of sewage. The district shall have all the rights, privileges and immunities incident to similar corporations or necessary for the accomplishment of its purpose. Nothing contained in this charter imposes on the district the duty of providing or maintaining catch basins or drainage of public ways. The property of the district is exempt from taxation under the Revised Statutes, Title 36, section 112.

Sec. 3. Savings clause. The creation by this Act of a revised charter for the Brunswick Sewer District shall not prejudice any claims of creditors towards the sewer district existing prior to this Act or relieve that district of any liability already created or assumed, or affect any existing causes of action in favor of or against the district, or the existing rights or obligations of other persons; but, for all purposes, the district shall be regarded as the same district which existed prior to this Act.

PART 2

ORGANIZATION

Sec. 11. Territorial limits; expansion; voters. The territory of the district shall extend from the center of town as follows, to include the entire area within the outer limits specified:

Beginning at a point in the Androscoggin River at the Topsham line, 2 1/2 miles easterly from the location of the town hall as of January 1, 1981, thence southerly to the intersection of Storer Road and Old Bath Road, thence easterly to the intersection of new U.S. Route #1 and Harding

Road, thence southerly along the easterly side of Harding Road to Bath Road, thence southwesterly to the intersection of Thomas Point Road and Meadow Road (not including either side of Adams Road), thence southwesterly to the intersection of Gurnet Road and Board Road, thence southwesterly to Dyers Corner, thence along the southerly side of Middle Bay Road to the intersection of Middle Bay Road and Mere Point Road, thence northwesterly to the intersection of Woodside Road and Pleasant Hill Road, thence northwesterly to the intersection of U.S. Route #1 and Greenwood Road, thence northwesterly to the intersection of Pleasant Street and Interstate Route #95, thence northeasterly along the median of Route #95 to the Androscoggin River, thence easterly along the Brunswick-Topsham line in the center of the river to the point of beginning.

1. Expansion. The boundaries of the district may be expanded to include more of or the entire Town of Brunswick by a referendum vote of the voters of the district and a separate referendum vote of the voters of the proposed expansion at a general election, followed by enactment by the Legislature. The referendum may be initiated by either the town council or by petition of the public as described in the town charter.

2. Voters. All registered voters of the Town of Brunswick who reside within the district are voters of the district, for all purposes. In determining whether a voter resides within the district, if any part of his residential property lies within the district, he shall be considered to reside within the district.

Sec. 12. Property; catch basins to be conveyed to town. The district is authorized to acquire and hold by purchase, lease or otherwise, land, real estate, rights, easements or interests in them, located within the district or elsewhere, and personal property, including the sewers and other assets previously taken over from the Brunswick Village Corporation, as convenient and necessary to carry out its purpose under this charter.

The district shall convey to the Town of Brunswick any right, title and interest the district has in any storm drain system within the town.

Sec. 13. Trustees. The district shall have a board of trustees, as follows.

1. Authorization. The affairs of the district shall be managed by a 5-member board of trustees. Three members shall constitute a quorum.

2. Appointment. Trustees shall be appointed by the Brunswick Town Council for 3-year terms, beginning in April of each year and staggered as follows: One beginning in 1982 and every 3 years after that; 2 beginning in 1983 and every 3 years after that; and 2 beginning in 1984 and every 3 years after that. Vacancies shall be filled for the unexpired portion of a term or for a new term by the town council, after advertisement of the vacancy in a local newspaper. All trustees shall serve until their successors are appointed and qualified. All trustees must be residents of the Town of Brunswick when appointed and shall resign if they move outside the town.

Initially, the terms of the trustees scheduled to end in 1982, 1983 and 1984 shall be unchanged, but the terms of the trustee scheduled to end in 1985 shall be shortened to end in 1983 and the term of the trustee scheduled to end in 1986 shall be shortened to end in 1984.

3. Recall. A trustee may be recalled, after hearing, for misfeasance, malfeasance or nonfeasance, as determined by the town council.

4. Compensation. The trustees shall receive compensation as recommended by them and approved by majority vote of the town council, including compensation for any duties they perform as officers, as well as for their duties as trustees. Certification of that approval shall be recorded with the Secretary of State and recorded in the bylaws. Their compensation for duties as trustees shall be on the basis of a specific amount specified in the bylaws, per meeting actually attended and reimbursement for travel and expenses, with the total not to exceed a specific amount set forth in the bylaws.

Compensation schedules in effect on January 1, 1982, shall continue in effect until changed in accordance with this subsection.

5. Election of officers. At the first regular meeting of the board of trustees following the annual appointment by the town council of a new trustee or reappointment of an existing trustee, the board shall elect a chairman, vice-chairman, clerk, treasurer and assistant treasurer. Election shall be by majority vote of the trustees.

PART 3

POWERS

Sec. 21. General powers. The district may within the

district lay pipes, sewers, conduits, fixtures and other necessary appurtenances, repair and maintain them, and take them up or contract for the same to be done, in, along and through any public or private ways or public or private lands to and into tidal waters, rivers, streams, other sewers or treatment works; construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks and other devices for collecting, holding, purifying, distributing and disposing of sewage matter and commercial and industrial waste. Any related discharge shall be consistent with the requirements of public health. The district may do any other things necessary or incidental to the accomplishment of its purpose.

Sec. 22. Emergency powers. The trustees may authorize immediate action, by majority vote, if an emergency arises entailing a breakdown in the sewer lines, pumping stations or treatment plant, or whenever in their judgment the health and welfare of district or town residents may be threatened. The emergency measures shall be confirmed as soon as possible by confirming action under the normal procedure.

Sec. 23. Acquisition of property; eminent domain and appeals; damages. The district may acquire and hold, for the purposes stated in this charter, real estate and personal estate and any interest therein necessary for such purposes by purchase, lease, taking or otherwise, including property as necessary for the purposes of section 21, for such other objects necessary, convenient and proper for the purposes of its incorporation and for rights-of-way of roadways to its works, facilities and land.

1. Eminent domain. The trustees of the district may exercise the right of eminent domain within the district for the purposes of this charter in accordance with the procedures specified for sanitary districts in the Revised Statutes, Title 38, section 1152, right of eminent domain; section 1152-A, eminent domain procedures; section 1153, condemnation procedures; and section 1252, subsection 2, taking from other utilities.

2. Liability for damages; appeals. The district shall be liable for damages sustained by any person in his property by the taking of any land, rights, easement or interest in them or by entering in or excavating through any land. Appeals are authorized in accordance with the Revised Statutes, Title 38, section 1154.

Sec. 24. Sewer extensions policy. Extension of any part of the sewer system shall be governed by the following.

1. Rules. The district shall adopt rules stating in detail the sewer extension policies for new developments and for existing developments.

2. New developments. For new developments, the developer shall submit the sewer design to the district for review while the development plan is being reviewed by the town planning board and obtain specific authorization from the sewer district before construction starts. Any new extension shall be inspected and approved by the district before sewerage is allowed into the public sewer system from the extension.

3. Existing developments. For existing developments, the district may construct new public sewers if requested by a majority of the property owners abutting the new sewer, or if the Public Health Officer or an appropriate environmental agency advises that the public health, safety or welfare requires such construction.

4. Assessments. Assessments against lots benefited and any district participation in the cost shall be governed by section 34.

5. Consultation. Prior to authorizing any sewer extension, except by specific state or federal mandate, the trustees shall notify the town council and consult with the planning board in order to assure conformity with their comprehensive plans and other public policies relating to growth and development. The trustees shall publish a notice of the proposed action in a newspaper with general circulation in the district, no less than 7 days prior to the meeting at which they will take final action on the authorization of the extension.

6. Public hearings. The Brunswick Sewer District shall hold a public hearing prior to the extension of an existing sewer line or the construction of a new sewer line, by a distance equal to 500 feet or more within any 3-year period. If the public health and welfare of the community, as determined by the health officer, might be adversely affected by delay, the hearing may be waived.

Sec. 25. Crossing public utilities. If any sewer line crosses the property or line of any public utility, the placement of and the manner and conditions of the crossing shall be negotiated with the utility by the district. If agreement is not reached within 30 days, the Public Utilities Commission shall determine the place, manner of and conditions of the crossing. If any sewer line of the district crosses the property or line of any railroad corporation, the procedure shall be the same as stated in this

section, except that the Department of Transportation shall be substituted for the Public Utilities Commission.

Sec. 26. Private sewers; entry; connections; charges. Private sewers may be entered into the sewers of the district as follows.

1. Requirements. Any person may enter a private sewer into any sewer of the district after showing that the entry will be made in a safe and proper manner, obtaining a written permit from the district and submitting to final inspection; but if the sewer has already been completed to the point of entry the trustees may assess an entrance charge as a condition of the permit. All costs incident to the installation and connection of the private sewer shall be borne by the owner.

2. Connection not always required. Existing buildings which are already served by a private sewer system are not required to connect with any sewer of the district as long as the private sewer system functions in a satisfactory and sanitary manner and does not violate any applicable law or ordinance or any applicable requirements of the State Plumbing Code, as determined by the municipal plumbing inspector, his alternate or, in the event that both are trustees or employees of the district, the Bureau of Health, Division of Health Engineering.

Sec. 27. Free access to premises. The officers or agents of the district shall have free access to all premises served by its sewers, at all reasonable hours, to permit the inspection of plumbing and sewerage fixtures, to ascertain the amount of sewerage discharged and the manner of discharge and to enforce the provisions of this charter and related regulations.

Sec. 28. Contracts for disposal of sewage or sludge. The district may enter into agreements within or outside the district with individual property owners, commercial or industrial establishments, or federal, state or municipal governments on mutually acceptable terms for operation and maintenance of on-site treatment plants, for acceptance and treatment of sewerage, and for sludge disposal by any method approved by the Department of Environmental Protection.

The district shall accept and treat septic tank waste with acceptable characteristics from within the district and may accept such waste from outside the district upon such terms as its trustees determine. The district may enter into agreements with other sewer or sanitary districts for the joint treatment of sewage or sludge.

PART 4

BONDS, RATES AND ASSESSMENTS

Sec. 31. Borrowing powers. The district may borrow money as follows.

1. Resolution; amount. The district may provide by resolution of its trustees, without district vote except as provided in this charter, for the borrowing of money and the issuance of bonds, notes or other evidences of indebtedness for any of its corporate purposes, including the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness. All bonds, notes or other evidences of indebtedness shall have inscribed on their faces the words "Brunswick Sewer District" and shall be signed manually by the treasurer or assistant treasurer and the chairman of the board of trustees. The total indebtedness at any time shall not exceed \$5,000,000.

2. Authorization of bonds. All bonds issued by the district shall be legal obligations of the district. The bonds may be issued either as general obligations or as special obligations payable solely from particular funds. Bonds may be issued under this charter without obtaining the consent of any commission, board, bureau or agency of the State or of the Town of Brunswick, except as provided in this charter or otherwise by law.

3. Authorization of notes. The district may provide by resolution of its trustees for the issuance of notes in anticipation of bonds authorized under this charter and of notes in anticipation of the revenues to be collected or received in any year, or in anticipation of the receipt of federal or state grants or other aid. The issue of these notes shall be governed by the applicable provisions of this charter relating to the issue of bonds, provided that notes in anticipation of revenue must mature no later than one year from their respective dates and notes issued in anticipation of federal or state grants or other aid and renewals thereof must mature no later than the expected date of receipt of those grants or aid.

4. General requirements for issuance of bonds and notes. Bonds, notes and other evidences of indebtedness shall be issued in accordance with the procedures and requirements of the Revised Statutes, Title 38, section 1201, unless otherwise specified in this charter.

5. Public hearings and approval. Before committing the district to any indebtedness which exceeds \$250,000 or which will extend longer than 3 years, whether by bonds or

other financial instrument, the trustees shall advertise and hold a public hearing. This public hearing may be included in the annual budget meeting.

No debt covered by this subsection may be incurred under vote of the trustees until the expiration of 7 full days following the public hearing. Except for indebtedness to fund projects specifically mandated by the State or Federal Government, debts in excess of \$250,000 may be subject to approval at a meeting of the voters of the district as follows. If requested by petition of not less than 50 voters or 5% of the voters of the district, whichever is greater, filed with the clerk of the district on or before the date of the trustees' vote, a meeting of the voters of the district shall be held to express approval or disapproval of the issuance of the debt.

6. Limitations. Bonds, notes or other evidences of indebtedness issued under this charter do not constitute a debt or liability of the State or the Town of Brunswick.

7. Sinking fund; reserves. The district is encouraged to use serial bonds to finance long-term debt. In some instances, term bonds may be desirable. To ensure the timely repayment of term bonded indebtedness, the district shall establish a sinking fund and appropriate to it annually a sum sufficient for the eventual extinguishment of that indebtedness. The sinking fund shall be devoted to the retirement of the obligations of the district and invested in securities or financial instruments which are rated within the 3 highest grades by any rating service approach by the Superintendent of Banking; the bonds and other obligations of the United States; or the debentures and certificates of deposit of any financial institution if insured by an agency of the United States or a state. All income generated from those investments shall be added to the sinking fund. The district shall maintain any other reserves required by any trust agreement or resolution securing bonds or notes.

8. Legal investment; tax exemption. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks and other entities in the State, as specified in the Revised Statutes, Title 38, section 1201, and are tax exempt.

Sec. 32. Rates. Rates for sewer service provided by the district shall be subject to the following requirements.

1. Established. All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates established by the

trustees for the services used, and the rates shall be uniform within the district.

2. Abatements. The trustees, on written application stating the grounds therefor, may make such reasonable abatements of any rates as they deem proper. The application shall be an attachment to the minutes of the trustees' meeting at which the abatement is approved.

3. Public hearings. Prior to its adoption, the trustees shall hold a public hearing regarding any proposed new rate schedule. The trustees shall publish the proposed rates and notice of the hearing, at least once in a newspaper having a general circulation in the district, not less than 7 days prior to the hearing. The district shall mail to each rate payer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

Sec. 33. Purposes of rates. Rates shall be so established as to provide sufficient revenue for the following purposes:

1. Operating expenses. To pay the current expenses for operating and maintaining the district;

2. Interest and principal. To pay the principal of, premium, if any, and interest on all nonsinking fund bonds and notes as they become due and payable;

3. Sinking fund. To create and maintain sinking funds and such other reserves as may be required by any trust agreements or resolutions securing bonds and notes;

4. Repairs, replacements, renewals and extensions. To pay for such repairs, replacements and renewals as necessary to maintain the system in good, safe, efficient working conditions or the district share in the cost of extensions authorized under section 34;

5. Obligations. To pay for any amounts for which the district may be obligated; and

6. Depreciation reserve. To create and maintain a funded depreciation reserve, with annual increments not to exceed annual depreciation.

Sec. 34. Assessments. Assessments to pay for the construction of a common sewer shall be subject to the following requirements.

1. Determined. After the district has constructed and completed a common sewer, except as provided in subsection

3. the trustees may, in order to defray a portion of the expense, determine what lots or parcels of land are served by the sewer, and make an assessment upon those lots and parcels of land on which the owners have agreed to participate.

2. New developments. There shall be no assessment when a common sewer is constructed through an area only for the specific purpose of serving a development for housing, commercial or industrial use. If, within 10 years after completion of the sewer, owners, tenants, lessees or agents of such exempted parcels undertake development, through sale of individual lots or parcels, or by filing subdivision plans with the town planning board or county register of deeds, the sewer district trustees shall levy assessments against such properties at the time of development, using the same uniform and equitable formula applied to other properties on that specific sewer line. The district shall not participate in the financing of a new development.

3. Nonusers not assessed. Nonusers shall not be assessed until they avail themselves of service. Then they shall be assessed using the same uniform and equitable formula that was applied to other properties on that specific sewer line.

4. Reimbursement. When additional users are added to a sewer line and assessed in accordance with subsection 2 or 3, the funds collected shall be reimbursed to the users on property which was previously assessed, in proportion to the amount of assessment previously paid.

5. District participation; existing dwellings. In providing service to existing dwellings, if community health and welfare concerns dictate, the trustees may determine to participate in the financing to the extent they deem appropriate, but not to exceed the lesser of 1/3 of the cost or the 10-year anticipated revenue of the sewer and sewage disposal units, except that in the case of demonstrated hardship for an individual homeowner, the cost limit shall not apply.

6. Notification; hearing. The trustees shall file with the clerk of the district the location of the sewer line and appurtenances as may be necessary, the total of the assessments for the entire project, together with a statement of the amount assessed on each parcel or lot, and the name of the person or persons against whom the assessment will be made. The clerk of the district shall record that information in a permanent record. Within 10 days after filing, each person so assessed shall be notified of the assessment and of the time and place for a hearing on the

proposed assessments.

Notice may be made by personal service in hand by an officer qualified to serve civil process in this State, or by certified mail, return receipt requested, to the person at his last known address. If the owner or owners are not known, or if they cannot be notified by personal service or certified mail, notice may be given by publication in a local newspaper of general circulation once a week for 3 successive weeks, the last publication to be at least one week prior to the hearing. Upon such hearing, the trustees may revise, increase or diminish any of the assessments, and all revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

7. Appeals. Any person aggrieved by the assessment made by the trustees for sewer construction under this section may, within 60 days after the hearing on the assessment, appeal to the Cumberland County Superior Court. The court shall determine the assessment by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee, and shall render judgment for the assessment with interest where that is due and for costs in favor of the party entitled to them.

Sec. 35. Collection of unpaid bills. The district may collect bills for rates and assessments as follows.

1. Treasurer to collect. The treasurer of the district may collect the rates and assessments established in accordance with this charter, and may exercise the authority set forth in this charter in enforcing the collection of any rates or assessments due and payable to the district.

2. Charge for late payment. The district may apply a charge for late payment of rates and assessments.

3. Rates. The district, when a rate or other charge is not paid in a timely fashion, may, after the expiration of 3 months after the date when the charge becomes due, sue for recovery in any court of competent jurisdiction. If recovery is not effected, a lien is created upon the property and collection may proceed in accordance with the Revised Statutes, Title 38, section 1208.

4. Assessments. The district, when an assessment for a new sewer construction is not paid in a timely fashion, may, after the expiration of 3 months after the date when it became due, sue for recovery in any court of competent jurisdiction. If recovery is not effected, a lien is created on the property and collection may proceed in accor-

dance with the Revised Statutes, Title 38, sections 1205 to 1207.

PART 5

BYLAWS, REGULATIONS AND PROCEDURES

Sec. 41. Bylaws. The trustees may adopt bylaws, by majority vote at 2 regular meetings, to govern the internal procedures of the board of trustees in carrying out their duties under this charter. The bylaws may be amended in the same way. The bylaws shall be published and copies made available to the public on request. Meetings shall be conducted in accordance with Robert's Rules of Order.

Sec. 42. Regulations. The district shall adopt regulations as follows.

1. Authorized. The trustees may promulgate regulations to supplement this charter in accomplishing the purposes of the district. The regulations shall include, but are not limited to, the following:

A. Use of public sewers, including permits, connection, construction, abandonment, septic tank wastes, waste characteristics, limits on harmful wastes and pretreatment;

B. Construction of new facilities, including sewer extensions, treatment plants and contracting requirements;

C. Rates, assessments, late payment charges and collection procedures; and

D. Penalties for violation of regulations or misuse of district property.

2. Adoption and amendment. Regulations may be adopted or amended by majority vote at 2 regular meetings of the board of trustees.

3. Public notice; public hearing. Proposed regulations shall be published in a local newspaper of general circulation at least 14 days before the first meeting at which the board will vote on them. If requested by 5 or more voters of the district, the trustees shall hold a public hearing before taking a final vote on the proposed regulations.

4. Publication. The regulations shall be published and copies made available to the public on request.

5. Transition. The district shall promulgate a complete set of regulations after public hearing and prior to July 1, 1983, to replace the present rules and regulations. Existing regulations consistent with this charter shall remain in effect until that promulgation.

Sec. 43. Public hearings. The time, place and purpose of all hearings called by the trustees of the district in accordance with the charter, the bylaws or the regulations of the district shall be publicized by paid newspaper advertisements and notices to ratepayers as follows.

A minimum of one notice shall be carried in a paid advertisement at least 14 days prior to the hearing, except in those instances where 2 notices are required by this charter, in which case one advertisement shall be carried for at least 14 days and a 2nd advertisement at least 7 days prior to the date of the hearing.

At least 14 days before the hearing date, the district shall send notices to all ratepayers of the district stating the purpose, time and place of all public hearings on indebtedness under section 31, rate changes under section 32 and proposed regulations under section 42.

All testimony at public hearings shall be recorded either by a qualified stenographer or by tape recordings and all transcripts or tapes of the hearing proceedings shall be made available to the public. Copies of transcripts or duplicate tapes shall be made available for a fee covering the actual cost of reproduction.

Sec. 44. Procedure of the board of trustees. All meetings of the Brunswick Sewer Trustees shall be in compliance with the "Right to Know Law," the Revised Statutes, Title 1, chapter 13. These meetings shall be in a public location. Notification of regular meetings shall be available by request from the town manager's office or from the district's office. Four times each year, the time, date and location of these meetings shall be published in a local daily newspaper of general circulation. At least 2 meetings each year shall be held outside normal working hours to assist citizens in attending.

Sec. 45. Reports; access to information. The district shall publish an annual report and provide public access to district records, as follows.

1. Reports. The trustees of the Brunswick Sewer District shall compile and publish an annual report, available to the public at no cost. This annual report shall include:

- A. Activities of the district;
- B. Summary of the consolidated financial statement;
- C. Description of any extensions and the condition of existing sewers;
- D. Description of the condition and any changes in the sewerage treatment plant;
- E. Summary of the sludge treatment procedure; and
- F. Future plans for the district.

2. Access to information. Except for private personnel records, all information held by the district, including, but not limited to, maps, minutes of the trustees' meetings, records, rules and standards of procedure, and personnel and operating policies, are to be considered public records. These records shall be made available to the public at the district office during normal business hours and copies made available upon written request for the cost of reproduction.

Sec. 46. Financial management. Financial management of the district shall be subject to the following requirements.

1. Trustees. The trustees are charged with sound and prudent management of the financial resources of the district. The requirements defined in this section are prescribed as a minimum standard. Forecasting and reporting may be performed in greater detail. Forecasting may be for longer periods than one year.

2. Budget proposal; fiscal year. Each year the trustees shall cause a proposed budget to be prepared for the subsequent year. The proposed budget document shall include the anticipated income and expenditures for the current year and the actual income and expenditures for the preceding 3 years. Line entries shall be made in conformity to the chart of accounts approved by the trustees. Summary sheets and explanatory notes shall be provided as needed to prevent misunderstanding of the budget. The fiscal year shall be the calendar year.

3. Budget approval. The proposed budget shall be evaluated, revised as required and approved at an annual budget meeting or meetings. The budget shall be approved by the regular December meeting date of each year.

4. Copies. Copies of the proposed budget shall be

available to the public at least 2 weeks before the annual budget meeting. Copies of the approved budget shall be available to the public no later than 2 weeks after the budget is approved.

5. Public notice. The trustees shall cause a public notice of the annual budget meeting to be placed in one or more newspapers having general circulation in the district. Such notice shall appear at least 2 weeks, but no more than 4 weeks, before the annual budget meeting.

6. Financial statement. The trustees shall prepare and offer for public inspection an annual audited financial statement. This financial statement shall include an accountant's certification which covers:

- A. Annual balance sheets;
- B. Statements of income and expenses;
- C. Statements of changes in fund balances;
- D. Statements of changes in financial positions;
- E. Statements of operation, maintenance and general expenses; and
- F. Any other pertinent information.

Sec. 47. Purchase of goods and services. Purchases by the district shall be subject to the following requirements.

1. Purpose. The purpose of this section is to provide safeguards over the expenditure of public moneys, while still allowing the trustees to operate the district in a businesslike manner.

2. Competitive bids. Contracts for goods and services shall be awarded by a system of competitive bidding within limits as provided in the regulations of the district. Bid contracts shall be awarded to the lowest responsible bidder, unless there are valid reasons to the contrary. When the lowest responsible bidder is not awarded the contract, a document of explanation shall be entered in and maintained in the contract file. Bidders may be considered nonresponsible for such reasons as a history of unsatisfactory work quality, lack of financial soundness or previous cost and schedule overruns.

3. Expenditure of funds. The authority to commit the district to the expenditure of funds for goods and services

rests with the trustees, except that they may delegate this authority as provided in the bylaws. Any withdrawal of funds from savings requires the signature of both the treasurer or assistant treasurer and the chairman of the board.

PART 6

AMENDMENTS; EFFECTIVE DATE

Sec. 51. Amendments to the charter. Amendments to this charter may be proposed by the sewer district trustees. Prior to proposing any charter amendment to the town council, the trustees shall hold a public hearing to receive citizens' comments on the subject. The trustees shall publish a summary of the proposed amendments and notice of the hearing at least twice in a local newspaper in consecutive weeks, not less than 7 days prior to the hearing. Upon approval of the town council, the amendments shall be sent to the Legislature for enactment.

This charter may also be amended by initiative. Any 5 voters of the district may request petitions upon submission to the town clerk of the text of a proposed amendment. If 5% of the voters of the district sign the petitions, they shall be submitted to the town council in the same manner as an amendment proposed by the sewer district trustees. The council shall hold a public hearing on the proposed amendment. Upon approval by the council, the amendment shall be sent to the Legislature for enactment.

Sec. 52. Effective date. It is recognized that the town council has reviewed and voted favorably on this revised charter and sent it to the Legislature for enactment.

After enactment, notwithstanding any other provision of this charter, this charter shall be submitted to the voters of the entire town at the next town-wide election in Brunswick. On the day prior to the election, the board of registration shall prepare and the town clerk shall post a list of the voters of the district. The municipal clerk shall reduce the subject matter of the vote to the following question.

"Shall the Brunswick Sewer District Charter, revised version 1982, be accepted?"

Prior to the referendum, the town shall hold an informational meeting for voters. The referendum shall be conducted by the town, but the cost shall be borne by the dis-

trict. This charter shall take effect only upon an affirmative vote by a majority of those voting on the question.

Effective July 13, 1982, unless otherwise indicated.

CHAPTER 104

H.P. 2119 - L.D. 2041

AN ACT to Amend the Charter of the Lincoln Water District.

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

Sec. 1. P&SL 1949, c. 116, §1 is amended to read:

Sec. 1. Territorial limits; corporate name; purposes. That part of the The town of Lincoln in the county of Penobscot and the people and territory within the same known as Township 2 and Township 3 shall be, and hereby are, constituted a public municipal corporation under the name of the "Lincoln Water District" for the purpose of supplying the inhabitants of said town or any part of said town with pure water for domestic, sanitary and municipal purposes.

Provided, however, that it shall not construct any system of pipe lines or development, without first having submitted its plans to the public utilities commission, and obtained its advice therefor in writing, under power vested in said commission by section 13 of chapter 40 of the revised statutes of 1944 Department of Human Services and the Public Utilities Commission, as provided in the Revised Statutes, Title 22, chapter 601, subchapter II, and the Revised Statutes, Title 35, section 13.

Sec. 2. P&SL 1949, c. 116, §2, as amended by P&SL 1973, c. 190, §1, is further amended to read:

Sec. 2. Powers of said Lincoln Water District. The said district, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any lake, pond, river, surface or underground brook, spring or vein of water in said town of Lincoln or