

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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partment of Audit, with the State Auditor, who shall retain them for a period of 3 years.

Effective July 16, 1986.

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## CHAPTER 708

H.P. 1674 - L.D. 2359

### AN ACT to Fairly Apportion the Cost of New Water Utility Services.

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

Whereas, several water department and quasi-municipal water district water systems are currently inadequate to serve the rapidly growing needs of the public and certain capital improvements are immediately necessary to meet the demand; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

35 MRSA §73-A is enacted to read:

§73-A. System development charge

1. System development charge authorized. In addition to section 73, the governing body of a municipal water department or quasi-municipal water district may establish and file, pursuant to section 69 or 72, a system development charge which is just and reasonable to provide funds to finance capital outlays for water system expansion caused by an increase in demand for service.

2. Commission review. If a municipal water department or quasi-municipal water district elects to institute a system development charge, it shall file

the proposed charge and a description of the basis of the charge with the commission not less than 90 days before the effective date of the charge. The commission shall investigate the system development charge under section 296 to determine whether it is just and reasonable.

3. Use of funds. The funds generated by the system development charge shall be deposited into a special account of the municipal water department or quasi-municipal water district dedicated to finance capital outlays for water system expansion caused by an increase in demand for service. The funds from the special account shall be used only for the purpose of financing the expansion of the system and shall not be used for the repair or replacement of existing facilities unless the replacement is required as a result of increased demand for service. The system development charge shall not be treated as income of the municipal water department or quasi-municipal water district nor shall it be considered part of the rates established and filed pursuant to section 73.

4. Assessment of charge. The system development charge may be assessed upon all customers of the municipal water department or quasi-municipal water district that requires new connections to the water system, excluding fire service, as of or after the effective date of that charge and upon all existing customers of the municipal water department or quasi-municipal water district who substantially expand their demand for water service as of or after the effective date of that charge.

5. Water conservation programs. Before a system development charge may be instituted, the municipal water department or quasi-municipal water district must report to the commission its efforts in implementing water conservation programs. The department or district shall state what combination of system development charges and new conservation programs will allow the department or district to meet growing demand in the least costly manner.

6. Review by elected local officials. If the governing body of the municipal water department or quasi-municipal water district is not an elected body, any system development charge proposed under this section must first be endorsed by the municipal officers of the municipality or municipalities involved, prior to filing with the commission.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 16, 1986.

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## CHAPTER 709

H.P. 1251 - L.D. 1761

### AN ACT to Expand the Maine Conservation Corps.

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

Whereas, in order for the Maine Conservation Corps Program, as established by the Maine Revised Statutes, Title 12, section 5151, to function effectively, it is necessary that it be commenced during the summer months when the majority of its work is carried out; and

Whereas, the majority of corps members are paid with wages provided by the Federal Summer Youth Employment and Training Program which only operates during the summer months; and

Whereas, unless this legislation is enacted as emergency legislation, it will not take effect before the summer begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 12 MRSA §5151, as repealed and replaced by PL 1985, c. 451, §1, is amended to read:

§5151. Maine Conservation Corps Program

There is created in the Department of Conservation the Maine Conservation Corps to provide job