

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1990 to July 10, 1991

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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other penalties provided by law, a penalty of not more than \$2,000 a day for each violation. The district is authorized to seek the injunctive relief and to recover this penalty in a civil action in the District Court or Superior Court.

**Sec. 5. P&SL 1971, c. 45, §15, first ¶, as amended by P&SL 1975, c. 128, §12, is further amended to read:**

**Sec. 15. Determination of annual apportionable costs.** The fiscal year of the district ~~shall be the calendar year, is determined by the trustees~~ and the trustees shall, prior to ~~January 15th~~ the first day of the 2nd month of each fiscal year following the acceptance of this Act, determine the total anticipated sums necessary to provide for the operation and maintenance of the district and its facilities for the year and adopt a budget for that year. The district trustees shall also determine the portion of the total sums to be raised for the ~~calendar~~ fiscal year, the amounts to be apportioned to said towns and the Waterville Sewerage District.

**Sec. 6. P&SL 1971, c. 45, §15, as amended by P&SL 1981, c. 26, §§1 and 2, is further amended by adding after the first paragraph a new paragraph to read:**

To effect a transition to a different fiscal year, the district may adopt a budget, determine the portion of the total sums to be raised for that budget and the amounts to be apportioned for one or more fiscal years not longer than 18 months each.

**Sec. 7. P&SL 1971, c. 45, §15, last ¶, first sentence, as amended by P&SL 1981, c. 26, §1, is further amended to read:**

If a surplus exists at the end of a ~~calendar~~ fiscal year, it may be transferred to a surplus account ~~which shall that may~~ not exceed \$100,000.

**Sec. 8. P&SL 1971, c. 45, §15, last ¶, 2nd sentence, as enacted by P&SL 1981, c. 26, §2, is amended to read:**

The balance in the surplus account ~~shall may~~ not be increased by more than \$25,000 in any ~~calendar~~ fiscal year.

**Sec. 9. P&SL 1971, c. 45, §16, sub-§2, 3rd sentence is amended to read:**

When ~~such~~ those facilities ~~shall~~ have been in operation for a ~~calendar~~ fiscal year, the apportionment of operating costs thereafter ~~shall must~~ be based ~~upon~~ on the measured flow of waste water and ~~sewage~~ sewerage entering ~~such~~ those facilities during the previous fiscal year from each public user after deducting the measured flow of waste water and sewerage from any private user ~~which that~~ enters the sewage system of a public user in order to reach the district's treatment facilities.

**Sec. 10. P&SL 1971, c. 45, §16, 6th ¶, first sentence, as amended by P&SL 1975, c. 128, §18, is further amended to read:**

The amount so apportioned for each public user ~~shall must, prior to February 1st~~ the first day of the 3rd month in each fiscal year, be certified by the trustees to the assessors of said towns and the commissioners of Waterville Sewerage District.

**Sec. 11. P&SL 1971, c. 45, §16, 6th ¶, last sentence is amended to read:**

The respective treasurers of said towns and district shall pay the amount so certified to the treasurer of the district in 4 substantially equal installments on or before ~~April 1st, July 1st, October 1st and January 1st~~ the first day of the following 4th, 7th and 10th months of the fiscal year and the first day of the next fiscal year of the district and during a transition period the amounts must be paid in substantially equal installments at 3-month intervals.

See title page for effective date.

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## CHAPTER 8

H.P. 645 - L.D. 919

### An Act to Amend the Charter of the Berwick Sewer District

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

Whereas, if the Berwick Sewer District allows more abutters on its lines, the district will be in violation of its National Pollutant Discharge Elimination System permit; and

Whereas, the Berwick Sewer District needs the authority to refuse abutting owners to enter upon the district's lines before the 90-day period after adjournment has elapsed; 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:**

**P&SL 1963, c. 154, §9 is amended to read:**

**Sec. 9. Rights of abutters or others to enter.** The district at all times ~~shall be~~ is bound to permit the owners of premises abutting upon its lines of pipes and conduits to enter the same with all proper sewage upon conformity to the rules and regulations of the dis-

tract and the payment of the rates, prices and rentals established ~~therefor~~ by the district. The district is not bound to permit the owners of premises abutting upon its lines of pipes and conduits to enter the same unless the entry is consistent with all state and federal permits and licenses issued to the district. ~~No~~ A person may not enter ~~his~~ a private sewer into the sewer pipes and conduits of the district until ~~he~~ the person has obtained a permit in writing from the trustees of the district and conformed to the rules and regulations of the district. All such permits ~~shall~~ must be recorded by the clerk of the district in its records before the same are issued.

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

Effective May 7, 1991.

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## CHAPTER 9

S.P. 355 - L.D. 957

### An Act to Authorize the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Water District

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

**Whereas,** the board of directors of the Brownville Water District has resigned; and

**Whereas,** the water system is in danger of not being properly managed to provide safe water to its customers; and

**Whereas,** this problem would be solved by combining the functions and assets of the Brownville Water District with the Town of Brownville; 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. Town of Brownville authorized to acquire property of Brownville Water District.** The Town of Brownville may, under the terms contained in this Act, acquire all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Brownville Water District including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water

for domestic, sanitary, commercial, industrial and municipal purposes and also for providing adequate sewerage facilities for collection, discharge and disposition of sewage. The consideration to be paid for them is the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Water District including, without limitation, the assumption by the Town of Brownville of any outstanding notes or bonds of the Brownville Water District that are due on or after the date of transfer.

**Sec. 2. Brownville Water District required to sell property to the Town of Brownville.** The Brownville Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1947, chapter 44, shall sell, transfer and convey by appropriate instruments of conveyance all, but not less than all, of its plants, properties, assets, franchises, rights and privileges including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes and for providing adequate sewerage facilities for the collection, discharge and disposition of sewage to the Town of Brownville in consideration of the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Water District including, without limitation, the assumption of any outstanding notes or bonds of the Brownville Water District that are due on or after the date of the transfer.

**Sec. 3. Approval of Public Utilities Commission.** The sale and transfer by the Brownville Water District to the Town of Brownville of its plant, properties, assets, franchises, rights and privileges; the acquisition of them by the Town of Brownville and the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Water District pursuant to sections 1 and 2 and the subsequent use thereof by the Town of Brownville within the limits of the town are subject to such approval of the Public Utilities Commission as may be required by applicable provisions of the Maine Revised Statutes, Title 35-A.

**Sec. 4. Contracts of Brownville Water District assumed by the Town of Brownville.** All contracts between the Brownville Water District and any person, firm or corporation relating to supplying water and for the collection, discharge and disposition of sewage that are in effect on the date of the transfer by the Brownville Water District to the Town of Brownville are assumed and carried out by the Town of Brownville.

**Sec. 5. Act void unless property of Brownville Water District is acquired.** If the plant, properties, assets, franchises, rights and privileges owned by the Brownville Water District are not acquired by the Town of Brownville pursuant to this Act prior to December 31, 1991, this Act becomes void on that date.