

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
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J.S. McCarthy Company
Augusta, Maine
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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.

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.

Sec. 6. Dissolution and termination of Brownville Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the Brownville Water District have been paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption thereof by the Brownville Water District and to the novation and substitution of the Town of Brownville as obligor in respect thereto in place of the Brownville Water District, the clerk of the Brownville Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Brownville Water District ceases and terminates. Until the corporate existence of the Brownville Water District ceases and terminates pursuant to this section, the gross revenues derived by the Town of Brownville from the sale of water and the collection, discharge and disposition of sewage within the area comprising the former limits of the district must be applied first to the payment of expenses fairly allocable to the operation of the water and sewage disposal systems and 2nd to payments of debts, obligations and other liabilities of the Brownville Water District assumed by the Town of Brownville pursuant to this Act.

Sec. 7. Referendum; effective date; certificate to Secretary of State. This Act must be submitted to the legal voters of the Town of Brownville at either a regular town meeting or a special town meeting to be held prior to December 31, 1991.

The clerk of the Town of Brownville shall prepare the required ballots, on which the clerk shall reduce the subject matter of this Act to the following question:

"Shall the Town of Brownville be authorized to acquire the assets and liabilities of the Brownville Water District and shall the Brownville Water District be dissolved?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters at the town meeting and further provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 10% of the total vote for all candidates for Governor cast in the Town of Brownville at the last gubernatorial election.

The result of the vote must be declared by the municipal officers of the Town of Brownville and due certificate of the vote must be filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 10

S.P. 321 - L.D. 877

An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements

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

Whereas, the Augusta Sanitary District must be in compliance with applicable federal regulations to avoid violation of its federal pretreatment permit; and

Whereas, the federal pretreatment program requirements included in this legislation are now in effect; 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. P&SL 1955, c. 139, §13, as repealed and replaced by P&SL 1983, c. 17, is amended to read:

Sec. 13. Sanitary provisions and penalty for violation. ~~Any~~ A person who violates the provisions of this charter or ~~the regulations~~ a rule, regulation, order or permit of the district promulgated in accordance with the authority granted ~~hereunder is liable to pay twice the amount of the damage to the district, to be recovered in any proper action.~~ under this charter; a person who places, discharges or leaves any offensive or injurious matter or material on or in the sewer conduits, sewer catch basins or sewer receptacles of the district contrary to its sewer use regulations; or a person who knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district for sewer purposes, is liable to pay twice the amount of the damage to the district, to be recovered in any proper action; may be enjoined by a court order from committing any such act and that person is guilty of a Class E crime.

An industrial user who produces industrial waste and who violates any local, state or federal law, order, rule, permit or regulation pertaining to the pretreatment of industrial waste may be enjoined from continuing in any such violation and may be assessed, in addition to any other penalties provided by law, a penalty of \$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 District Court or Superior Court.