

ATTACHMENT A

**PROPOSED AMENDMENT TO
MAINE SANITARY DISTRICT ENABLING ACT
TITLE 38, CHAPTER 11**

§1101. Formation

The formation of a sanitary district is accomplished as follows, unless a municipality chooses to establish a decentralized community sanitary district, in which case the decentralized community sanitary district shall be formed pursuant to §1163-A.

§1163-A. Coordination with municipal planning

To facilitate coordination of municipal planning ~~and~~ sewer extension planning and development of areas designated as growth areas in comprehensive plans approved under Title 30-A, Chapter 187, Sec. 4347-A:

A. Cooperation between sanitary districts and municipalities

1. Sanitary districts. The trustees of a sanitary district shall cooperate with municipal officials in the development of municipal growth management and other land use plans and ordinances; and

2. Municipalities. Municipal officers shall cooperate with the trustees of a sanitary district during the consideration of development applications that may affect the operations of the district.

B. Decentralized community sanitary district

1. Definition. A decentralized community sanitary district is a sanitary district formed to manage one or more subsurface waste water disposal systems constructed according to the requirements of the Maine Subsurface Waste Water Disposal Rules to accommodate non-industrial development entirely within one or more areas designated as growth areas in a comprehensive plan approved under Title 30-A, Chapter 187, Sec. 4347-A.

2. Formation.

- a. A decentralized community sanitary district may be formed only if no sanitary or sewer district formed under this chapter or other state law exists with jurisdiction to serve the geographic area or areas in question.
- b. Formation of a decentralized community sanitary district is accomplished in the same manner as a sanitary district under this

chapter, except submission to the voters is not required and, following the joint meeting as required in §1101 between the commissioner and the municipal officers or others named in the application for a decentralized community sanitary district, the trustees shall be appointed by the municipal officers of the municipality or municipalities in which the designated growth area or areas are located. The terms of the trustees shall be determined in the manner set forth in §1105.

- c. Upon approval by the board of the application for a decentralized community sanitary district, the commissioner shall issue a certificate of organization in the name of the decentralized community sanitary district in such form as the commissioner shall determine. The original certificate must be delivered to the trustees on the day that they are directed to organize and a copy of the certificate duly attested by the commissioner must be filed and recorded in the Office of the Secretary of State. The issuance of a certificate by the commissioner is conclusive evidence of the lawful organization of the decentralized community sanitary district. The district is not operative until the date set by the commissioner under section 1106.

3. Powers. Unless otherwise stated in this section, each decentralized community sanitary district formed under this section shall have the same powers and duties as a sanitary district formed under this chapter, except the right of eminent domain, which shall remain with the municipality or municipalities in which the decentralized community sanitary district is operating.

4. Connection of new sewers. Every new building in a decentralized community sanitary district formed under this section intended for human habitation or occupancy or with facilities for discharge of non-industrial waste water shall have a sanitary sewer system which shall be caused by the owner or person against whom taxes on the premises are assessed to be connected with the facilities of the district, upon written application to and approval of the connection by the trustees of the district. The trustees may require the owner or person proposing a new building or facility to construct at his or her cost a subsurface waste water disposal system sufficient for the development according to the Maine Subsurface Waste Water Disposal Rule, for inspection by, dedication to, and ownership and management by the district. If, within 60 days of written application to the district, the district does not direct the owner or person to connect to an existing subsurface waste water facility or to construct one for ownership and management by the district, the owner or person may construct the necessary waste water disposal system to serve the new building or buildings separate from the ownership by and operations of the district, provided all applicable state and local regulations are met.

5. Connection of existing sewers. Buildings within the decentralized community sanitary district existing as of the operative date of the district that are already

served by a private sewer shall not be required to connect with any sewer of the decentralized community sanitary district; nor shall the district be obligated to accept into its system the private sewers of buildings existing as of the operative date of the district.

6. Expansion of decentralized community sanitary district boundaries. The boundaries of a decentralized community sanitary district may be expanded by the municipal officers if the designated growth area boundaries within which the district operates are expanded pursuant to an amendment of the comprehensive plan approved under Title 30-A, Chapter 187, Sec. 4347-A. The district's jurisdiction may not extend beyond the boundaries of one or more designated growth areas.