

SUMMARY OF CHANGES IN REVISED CHARTER
OF OGUNQUIT SEWER DISTRICT

The revised charter updates the current charter by deleting references to provisions in Chapter 12 of Title 38, M.R.S. (Sewer Districts), which was repealed in 2013, and replacing them with references to corresponding provisions in Chapter 10 of Title 38, M.R.S. (Standard Sewer District Enabling Act) which was enacted in 2013. These updates appear in the following sections of the revised charter:

Section 4	Section 20
Section 6	Section 28
Section 10	Section 32
Section 14	

The revised charter contains a number of non-substantive editing changes, such as changing references to “act” to “Charter,” and wording changes to clarify the language, such as in section 14 of the revised charter.

The revised charter contains modifications of the headings on some sections in order to make them clearer and more reflective of the content of the section, such as sections 8, 9, 15, 16, 23, 24, 25 of the revised charter.

The revised charter also contains the following additions, deletions and changes:

- Adding an introductory paragraph to section 1 of the revised charter to reflect the enactment of the revised charter.
- Amending section 1 of the revised charter to clarify that service may be provided to parts of an adjoining municipality which is not only if unserved, but also if served by a failed system.
- Improving section 5 of the revised charter to clarify the language, to include a reference to commercial waste along with industrial waste, and to clarify that the district is not a public utility subject to Maine PUC regulation.
- Improving section 9 of the revised charter to state that the district may enter into contracts “In order to carry out its purposes.”
- Adding a paragraph to section 15 of the revised charter, authorizing the district to seek an injunction and/or penalty for violation by an industrial or commercial user of a pretreatment standard or requirement.
- Changing provisions in section 16 of the revised charter to provide that, rather than a fixed amount in the charter, trustee compensation shall be an amount recommended by the trustees and approved by a vote of municipal officers in accordance with the process therein.

- Changing the provisions in section 18 of the revised charter for special meetings to continue to provide for special meetings to be called by the trustees, but to delete the provision for special meetings upon written petitions, given that such special meetings are not binding.
- In section 20 of the revised charter, authorizing the district to receive government aid in addition to borrowing; increasing the debt limit from \$7 million to \$12,000,000. (This increase in debt limit is the subject of a referendum vote scheduled for November 2, 2021) and, allowing for the use of an alternative statutory process for voting to increase the debt limit in the future.
- Adding a new section 21 to the revised charter, which provides that investments by the district are governed by 38 M.R.S. §1055.
- In section 22 of the revised charter, adding provisions that:
 - (a) rates for services in adjourning municipalities shall be established by the trustees based on costs associated with said services and are not subject to a requirement of uniformity; and,
 - (b) adding to the list of costs to be covered by rates the payment of costs for repairs, replacements and renewal of the systems of the district.
- In section 29 of the revised charter, adding language providing that the lien “arises and is perfected as services are provided.”
- Adding section 30 (Waiver of Sewer District Lien Foreclosure), which provides that the district’s waiver of the lien foreclosure is governed by 38 M.R.S. §1049, a provision in the Standard Sewer Enabling Act.
- Transferring language in current section 30 to section 31 (second paragraph) of the revised charter, and transferring language in current section 27 regarding severability to section 31 (third paragraph) of the revised charter.
- Deleting current section 28, which refers to the continued applicability of other laws, in order to avoid confusion as to the effect of the revised charter.
- Amending current section 29,
 - (a) to delete a provision referring to a statute regarding the lack of authority of the Ogunquit Village Corporation to engage in sewer operations, which has been subsequently repealed and which is now being replaced by section 33 in the revised charter, which provides that the district having been granted the authority to provide sanitary sewer facilities and service, the Town of Ogunquit (as was the case with Ogunquit Village Corporation) is not authorized to construct and

maintain sanitary services or sewerage treatment plants, but may construct and maintain storm water sewers and a storm water sewer system; and

(b) to delete the provision setting forth the process for the referendum on the 1963 charter.