

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 79 - L.D. 114

**An Act to Amend the Charter of the Lewiston-Auburn Water Pollution
Control Authority**

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

Sec. 1. P&SL 1967, c. 92, §1, as amended by P&SL 2023, c. 3, §1, is further amended to read:

Sec. 1. Incorporation and purposes. There is hereby created a nonprofit body corporate and politic to be known as The Lewiston-Auburn Water Pollution Control Authority, hereinafter called "the authority." The authority may also operate under the assumed name of The Lewiston Auburn Clean Water Authority. The purposes of the authority are to operate, maintain and improve a sewage treatment plant or plants and other facilities necessarily incident thereto and to receive and treat and dispose of the wastewaters discharged by the sewage systems of the City of Lewiston and the Auburn Sewerage District. The authority has all such powers, rights, privileges and immunities as may be necessary for the accomplishment of the aforesaid purposes, whether or not such powers are hereinafter specifically given.

Sec. 2. P&SL 1967, c. 92, §14, first ¶, as amended by P&SL 2015, c. 8, §1, is further amended to read:

Sec. 14. ~~Lewiston-Auburn Water Pollution Control Board~~ of the authority. The authority is under the management and direction of a board of directors, which is known as the Lewiston-Auburn Water Pollution Control Board, ~~also referred to as hereinafter called~~ "the board" or "the board of the authority." The board consists of 7 members. The director of the Lewiston Department of Public Works, the City Administrator or acting City Administrator of the City of Lewiston or another employee of the City of Lewiston designated by the City Administrator, the superintendent and the president of the Auburn Sewerage District and the City Manager or acting City Manager of the City of Auburn or another employee of the City of Auburn designated by the City Manager are members of the board by virtue of their respective offices. If the president of the Auburn Sewerage District Trustees declines to serve or resigns as a member of the board of the authority, the president shall select, subject to confirmation by the Auburn Sewerage District Trustees, another trustee or resident of Auburn to serve for the remainder

of the term. Notice of the appointment must be given in writing by the clerk of the Auburn Sewerage District to the board of the authority. The Mayor of Lewiston shall appoint, subject to confirmation of the city council, a qualified voter of the City of Lewiston to serve for a 2-year term on the board of the authority and thereafter until a successor takes office. In the event that either the Lewiston resident so selected or the appointee of the president of the Auburn Sewerage District ceases to be a resident of that person's respective city, or dies, becomes incapacitated, or otherwise ceases to be a member of the Auburn Sewerage District Trustees, or if the president of the Auburn Sewerage District dies or becomes incapacitated while serving on the board of the authority, a successor must be elected to serve out the remainder of the term by the Mayor and City Council of Lewiston or the Auburn Sewerage District Trustees, as the case may be.

Sec. 3. P&SL 1967, c. 92, §17, last ¶, as enacted by P&SL 1993, c. 28, §5, is amended to read:

Notwithstanding other civil or criminal penalties provided by and imposed under federal or state law, except penalties sought by the authority pursuant to Title 38, section ~~4252~~ 1046, subsection ~~8~~ 1, the ~~Lewiston-Auburn Water Pollution Control Board~~ board may assess administrative penalties of not more than \$1,000 per day for each violation by an industrial user of any pretreatment standard or requirement administered by the authority. In assessing any penalties under this paragraph, the board must conduct its proceedings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter ~~IV~~ 4. A person aggrieved by any action by the board under this paragraph is entitled to judicial review in the Superior Court in the manner provided in Title 5, chapter 375, subchapter ~~VII~~ 7. The authority may by rule provide for assessment and collection of the administrative penalties as well as procedures for notification to industrial users of the penalties and enforcement of the administrative penalties ~~provided that~~ as long as these rules are in accordance with the Maine Administrative Procedure Act as specified in this paragraph. The authority may not seek civil monetary penalties under Title 38, section ~~4252~~ 1046, subsection ~~8~~ 1 if the board has assessed administrative penalties under this section. Nothing in this paragraph prohibits the authority from seeking injunctive relief pursuant to Title 38, section ~~4252~~ 1046, subsection ~~8~~ 1 in addition to administrative penalties imposed pursuant to this paragraph.