

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 667

S.P. 208

In Senate, January 30, 1997

**An Act to Create and Incorporate the Jackman Utility District by Merger
of the Jackman Water District and the Jackman Sewer District.**

(EMERGENCY)

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

2 **Mandate preamble.** This measure requires one or more local
units of government to expand or modify activities so as to
4 necessitate additional expenditures from local revenues but does
not provide funding for at least 90% of those expenditures.
6 Pursuant to the Constitution of Maine, Article IX, Section 21,
two thirds of all of the members elected to each House have
determined it necessary to enact this measure.

8
10 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

12
14 **Whereas,** the Jackman Sewer District was created by Private
and Special Law 1969, chapter 88; and

16 **Whereas,** the Jackman Water District was created by Private
and Special Law 1971, chapter 119; and

18
20 **Whereas,** the 2 districts have merged their day-to-day
operations in order to reduce operating costs for the benefit of
persons and entitites served by the 2 districts; and

22
24 **Whereas,** the 2 districts wish to merge their charters in
order to reduce management expenses as the result of unified
management as one district; and

26
28 **Whereas,** it is imperative that action be taken at the
earliest possible moment to allow for continuity of services
provided by the Jackman Water District and the Jackman Sewer
30 District; and

32 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
34 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
36 safety; now, therefore,

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

40 **Sec. 1. Territorial limits; name; purposes.** The territory
comprising the Town of Jackman, the Town of Moose River,
42 Dennistown Plantation and Attean Township and the inhabitants of
those towns create a body politic and corporate under the name of
44 "Jackman Utility District," referred to in this Act as the
"district," for the purposes of:

46
48 1. Supplying the inhabitants of the district with pure
water for domestic, sanitary, commercial, industrial,
agricultural and municipal purposes; and

2 2. Providing the inhabitants of the district with a system
3 of public sewage constructed, maintained and operated for the
4 public health and welfare and for the benefit of the inhabitants
5 and of the property served by the sewage facility in the manner
6 and with the rights, duties and immunities set out in this Act.

7 **Sec. 2. Transition; first meeting; organization of board; transitional**
8 **term lengths.** The board of trustees of the Jackman Sewer District
9 and the board of trustees of the Jackman Water District shall
10 serve as the transitional board of trustees of the district until
11 the first annual meeting of the district and the election of a
12 new board of trustees as provided in this Act.

13 As soon as convenient after the acceptance of this Act, the
14 boards of trustees of the Jackman Sewer District and the Jackman
15 Water District shall hold a meeting at some convenient place in
16 the district, to be called by any member in writing, designating
17 the time and place of the meeting and delivered in hand to the
18 other members, not less than 2 days before the meeting. They may
19 meet by agreement without such notice. They shall then organize
20 by electing a chair, a clerk and a treasurer to serve until the
21 next annual meeting of the district and until their successors
22 are elected or appointed and qualified. Members of the boards of
23 trustees are eligible to serve in any office of the new board of
24 trustees. They shall adopt a corporate seal and may adopt bylaws
25 and perform any other acts within the powers delegated to them by
26 law.

27 At the first meeting of the district, the boards of trustees
28 of the Jackman Water District and the Jackman Sewer District
29 shall determine by agreement or, failing to agree, they shall
30 determine by lot the term of office of each trustee. The terms
31 of the trustees must be determined in accordance with the
32 following table:
33

36	TOTAL NUMBER OF	ONE-YEAR	2-YEAR	3-YEAR
	TRUSTEES	TERM	TERM	TERM
38	3	1	1	1
40	4	1	1	2
	5	1	2	2
42	6	2	2	2

43 The trustees shall enter on their records the determination
44 made.

45 **Sec. 3. Trustees; tenure of office; election of office; vacancies.** All
46 the affairs of the district are managed by a board of 5 trustees,
47 residents within the territorial limits of the district, who are
48 chosen as provided in this Act.
49
50

2 The district shall hold an annual election for trustees.
Trustees are elected for 3-year terms, except that at the first
4 election of trustees, the trustee elected with the least number
of votes is elected for a one-year term and the trustee elected
6 with the next fewest number of votes is elected for a 2-year term.

8 Nominations and elections of trustees are conducted in
accordance with the laws relating to municipal elections. When
10 the term of office of a trustee expires, the trustee's successor
is elected at large by a plurality vote of the voters of the
12 district. For the purpose of the election, a special election
must be called and held on the date established by the trustees.
14 The election must be called by the trustees of the district in
the same manner as town meetings are called, and, for this
16 purpose, the trustees are vested with the powers of municipal
officers of towns.

18 The trustees shall appoint a registrar of voters for the
20 district, who may also be the registrar of voters for any town
within the district, and fix the registrar's salary. It is the
22 registrar's duty to make and keep a complete list of all the
eligible voters of the district. The list prepared by the
24 registrar governs the eligibility of any voter. Voters who are
residents outside the territorial limits of the district, as
26 defined in section 1 of this Act, are not eligible voters and the
registrar of voters shall exclude those voters from the
28 registrar's list. All warrants issued for elections by the
trustees must show that only the voters residing within the
30 territorial limits of the district are entitled to vote.

32 All trustees are eligible for reelection, except a person
who is a municipal officer within the district is not eligible
34 for nomination or election as a trustee of the district. When a
trustee ceases to be a resident of the district, the trustee
36 shall vacate the office of trustee. A vacancy is filled in the
same manner as a vacancy is filled in a municipal election for
38 the unexpired term by a special election called by the trustees
of the district.

40 **Sec. 4. Trustees; decisions of the board; oath; annual report.**

42 Within one week after each annual election, the trustees shall
meet for the purpose of electing a chair, a treasurer and a clerk
44 to serve until their successors are elected or appointed and
qualified. The trustees, from time to time, may choose and
46 employ any necessary officers and agents who serve at the
pleasure of the trustees and fix their compensation. The
48 treasurer shall furnish bond in the sum and with sureties
approved by the trustees. The district shall pay the cost of the
50 bonds.

2 The trustees may adopt and establish bylaws and rules
3 consistent with the laws of this State and necessary for the
4 convenience and the proper management of the affairs of the
5 district and perform other acts within the powers delegated by
6 law to the trustees.

7 All decisions of the board of trustees must be made by a
8 majority vote of those present and voting, except that a vote to
9 approve the issuing of any bond, note or other evidence of
10 indebtedness payable within a period of more than 12 months after
11 the date of issuance must be approved by a majority of the entire
12 elected board. A quorum of the board of trustees consists of the
13 total number of authorized trustees divided by 2 and, if
14 necessary to obtain a whole number, the resulting number rounded
15 up to the next whole number.

16 The trustees are sworn to the faithful performance of their
17 duties including the duties of a member who serves as clerk or
18 clerk pro tem. The trustees shall publish an annual report that
19 includes a report of the treasurer.

20 Trustees are subject to the conflict of interest provisions
21 of the Maine Revised Statutes, Title 30-A, section 2605.

22 Business of the district must be conducted in accordance
23 with the applicable provisions of the freedom of access laws,
24 Title 1, sections 401 to 410.

25 **Sec. 5. Trustees; compensation; retirement.** The trustees are
26 entitled to compensation as recommended by the trustees and
27 approved by a majority of the municipal officers in each of the
28 municipalities within the district, including compensation for
29 any duties they perform as officers as well as for their duties
30 as trustees. Certification of the votes of all municipalities
31 within the district must be recorded with the Secretary of State
32 and in the bylaws. Compensation for duties as trustees must be
33 on the basis of such specific amount as may be specified in the
34 bylaws for each meeting actually attended and reimbursement for
35 travel and expenses with the total not to exceed the specific
36 amount as may be specified in the bylaws. Compensation schedules
37 in effect on January 1, 1982 continue in effect until changed.

38 Persons who have not been trustees prior to January 1, 1987,
39 and who are not full-time employees, are not eligible to become
40 members of the Maine State Retirement System as a result of their
41 selection as trustees. For purposes of determining a district
42 trustee's eligibility to be a member of the Maine State
43 Retirement System prior to January 1, 1987, the provisions of the
44 appropriate governing charter in effect at the time of the
45 trustee's application for membership control.

2 **Sec. 6. Fiscal year; powers; right of contract.** The district's
fiscal year begins the first day of January of each year and ends
4 the last day of December of each year.

6 All incidental rights, powers and privileges necessary to
accomplish the objectives in this Act are granted to the
8 district, including the right of the trustees to determine when
and where water supply and sewerage facilities are most needed
10 and how distribution and collection lines and treatment and
pumping facilities are built.

12 The district, through its trustees, is authorized to
14 contract with persons, districts, municipalities, utilities or
corporations within the district for the collection, distribution
16 and disposal of sewage, surface water or other waste matter and
for the supply of water for domestic, sanitary, commercial,
18 industrial, agricultural and municipal purposes.

20 The district is authorized to lay pipes, drains, sewers and
conduits and to take up, repair and maintain the same or to
22 contract for the same to be done in and along the public ways,
private ways and public grounds, through lands of any person or
24 corporation as provided in this Act and to and into rivers,
watercourses or filtration plants or to and into any drain or
26 sewer that empties into rivers or into any watercourse or
filtration plant, the discharge to be at points consistent with
28 the requirements of public health as is found convenient and
reasonable for the district and the flow of existing
30 watercourses; also to construct and maintain filtration plants,
pumping stations, basins, reservoirs, flush tanks and other
32 appliances for collecting, holding, purifying, distributing and
disposing of sewage matter and surface or waste waters as may be
34 necessary and proper; and in general, to do any or all things
incidental to accomplish the purposes of this Act. The district
36 is authorized to take, hold, divert, use and distribute water
from any river, lake, pond, stream, brook, spring, well or other
38 source, natural or artificial, in the district.

40 The district is further authorized to enter into contract or
any other form of agreement with any appropriate federal or state
42 agency if authorized to do so by the Department of Environmental
Protection, if, after a public hearing that the department
44 considers necessary, the department finds that the contract or
agreement is beneficial and in furtherance of the State's program
46 for the elimination of pollution in and purification of the
waters of Moose River, as long as the contract or agreement is
48 also approved by a majority of the voters of the district at an
annual or special meeting.

50

Sec. 7. Authorized to issue notes and bonds; to borrow money.

2 district, by resolution of its board of trustees, may borrow
3 money temporarily and issue for that money its negotiable notes
4 in anticipation of bonds authorized by this section and of notes
5 in anticipation of the revenues to be collected or received in
6 any year or in anticipation of the receipt of approved federal or
7 state grants for the purposes of paying and refunding the
8 indebtedness so created; of paying any necessary expenses and
9 liabilities, including organizational and other necessary
10 expenses and liabilities; and of acquiring properties, paying
11 damages, laying sewers, drains and conduits, constructing,
12 maintaining and operating a sewage plant or system, making
13 renewals, additions, extensions and improvements to the same.

14
15 The district may acquire properties, pay damages, lay pipes,
16 mains, aqueducts and conduits; construct, maintain and operate a
17 water plant or system; make renewals, additions, extensions and
18 improvements to the water plant or system; and cover interest
19 payments during the period of construction for such period as the
20 trustees may determine. The district, by resolution of its board
21 of trustees, may also issue, from time to time, bonds, notes or
22 other evidences of indebtedness of the district in one series or
23 in separate series in an amount or amounts at such rates of
24 interest and on such terms and conditions as the trustees
25 determine. The total outstanding indebtedness of the district
26 may not exceed \$1,000,000 for sewer projects and \$1,250,000 for
27 water projects as long as amounts temporarily borrowed by the
28 district in anticipation of the receipt of any approved grants
29 from the State Government or Federal Government, or from any
30 agency of either authorized to assist in the financing of water
31 pollution control projects, do not affect or are not included in
32 the total indebtedness of the district permitted to be
33 outstanding. The bonds, notes and other evidences of
34 indebtedness are legal obligations of the district and a direct
35 obligation on the taxable property within the district, must bear
36 the seal of the district and must be signed by the district's
37 treasurer and countersigned by the chair of the board of
38 trustees; and any interest coupons attached to the bonds, notes
39 or other evidences of indebtedness must bear the facsimile of the
40 signature of the board's treasurer. The district may refund and
41 reissue, from time to time, in one or separate series its bonds
42 and other evidences of indebtedness, and each authorized issue
43 constitutes a separate loan. All bonds issued by the district
44 are legal investments for savings banks in the State. All bonds,
45 notes or other evidences of indebtedness issued by the district,
46 and their transfer and the income from the bonds, notes or other
47 evidences of indebtedness, including any profit made on the sale
48 of the bonds, notes or other evidences of indebtedness, are at
49 all times free from taxation within the State.

50

Sec. 8. Rates; application of revenues; sinking fund; mutual funds.

2 All persons and corporations, whether public, private or
3 municipal, shall pay to the treasurer of the district the
4 entrance charges, rates, tolls, rents and other lawful charges
5 established by the trustees for sewer or drainage service used,
6 or to which such beneficial service is available with respect to
7 their lots or parcels of land, and any other assessment now
8 lawfully imposed by general law, and in determining real estate
9 interest, the term, as defined by the Maine Revised Statutes,
10 Title 36, section 551, may be applied by the trustees. The board
11 of trustees may by bylaws define the person to whom the special
12 tax, toll or charge is assessed and may adopt such other bylaws
13 and rules as may be necessary to carry out the provisions of this
14 Act. All individuals, firms and corporations, whether private,
15 public or municipal, shall pay to the treasurer of the district
16 the rates established by the board of trustees and, as approved
17 by the Public Utilities Commission, for the water used by them.

18
19 Water and sewer rates, tolls, rents and entrance charges
20 must be uniform within the territory supplied by the district
21 when the installation and maintenance of water or sewer
22 appurtenances and the cost of service are substantially uniform;
23 but nothing in this Act precludes the district from establishing
24 a higher rate, toll, rent or entrance charge than the regular
25 rates, tolls, rents and charges in sections of the district
26 where, for any reason, the cost of construction and maintenance
27 or the cost of service exceeds the average, but the higher rates,
28 tolls, rents and charges must be uniform throughout the sections
29 of the district where they apply. Water rates are subject to the
30 approval of the Public Utilities Commission. The rates must be
31 established to provide revenue for the following purposes:

32
33 1. To pay current expenses for operating and maintaining
34 the water and sewer systems and to provide for extensions and
35 renewals as may become necessary;

36
37 2. To provide for the payment of the interest on the
38 indebtedness created by the district;

39
40 3. To provide each year a sum equal to not less than 1% nor
41 more than 5% of the entire indebtedness created by the district
42 other than serial bonds and notes, which sum must be turned into
43 a sinking fund and kept to provide the extinguishment of the
44 indebtedness or, if serial bonds or notes are issued, to pay the
45 principal of the bonds and notes payable in that year. The money
46 set aside for the sinking fund must be devoted to the retirement
47 of the obligations of the district or invested in securities as
48 savings banks or fiduciaries or trustees in this State are
allowed to hold; and

2 4. If any surplus remains at the end of the year, the funds
may be turned into the sinking fund or used for other purposes of
4 the district as the trustees may determine.

6 A district may invest its funds, including sinking funds,
reserve funds and trust funds, to the extent that the terms of
8 any instrument creating the funds do not prohibit the investment,
in shares of an investment company registered under the federal
10 Investment Company Act of 1940, whose shares are registered under
the United States Securities Act of 1933, only if the investments
12 of the investment company are limited to obligations of the
United States or any agency or instrumentality, corporate or
14 otherwise, of the United States, or purchase agreements secured
by obligations of the United States or any agency or
16 instrumentality, corporate or otherwise, of the United States.
This section is in addition to and does not limit the power of a
18 district to invest its funds.

20 **Sec. 9. Collection of payment of rates; lien for payment of sewer**
rates. The Public Utilities Commission rules apply for the
22 collection of all outstanding water and sewer debt. The district
may disconnect the water service in the event the user of the
24 sewer system of the district fails within reasonable time to pay
the statement of rates, fees or charges submitted by the district
26 to the user, as long as the action by the district is
accomplished in accordance with the Public Utilities Commission
28 rules for the disconnection of water services.

30 When a rate, toll, rent or other charge has been committed
to the treasurer of the district for collection, the treasurer
32 may, after the expiration of 3 months and within one year after
the date when the charge became due and payable, give to the
34 owner of the real estate served, or leave at the owner's last and
usual place of abode, or send by certified mail, return receipt
36 requested, to the owner's last known address, a written notice
signed by the treasurer or bearing the treasurer's facsimile
38 signature stating the amount of that rate, toll, rent or other
charge, describing the real estate upon which the lien is claimed
40 and stating that a lien is claimed to secure payment of the
charge and demanding payment within 30 days after service or
42 mailing of the notice plus \$1 for the treasurer for mailing the
notice together with the certified mail, return receipt requested
44 fee. The notice must contain a statement that the district is
willing to arrange installment payments of the outstanding debt.
46 For the purpose of this section, a mobile home is defined as real
estate. After the expiration of the 30-day period and within one
48 year, the treasurer shall record in the Somerset County Registry
of Deeds a certificate signed by the treasurer setting forth the
50 amount of the rate, toll, rent or other charge and the real

2 estate on which the lien is claimed stating that a lien is
3 claimed to secure payment of the charge, that notice and demand
4 for payment of the charge has been given or made in accordance
5 with the provisions of this section and that the charge remains
6 unpaid. At the time of the recording of a certificate in the
7 registry of deeds, the treasurer shall file in the office of the
8 district a true copy of the certificate and shall mail a true
9 copy of the certificate by certified mail, return receipt
10 requested, to each record holder of any mortgage on the real
11 estate, addressed to the record holder at the record holder's
12 last and usual place of abode.

13
14 The filing of the certificate in the registry of deeds is
15 deemed to create, and creates, a mortgage on the real estate
16 described in the deed for the district that has priority over all
17 other mortgages, liens, attachments and encumbrances of any
18 nature, except liens, attachments and claims for taxes, and gives
19 to the district all the rights usually possessed by mortgagees,
20 except that the district as mortgagee does not have a right to
21 possession of the real estate until the right of redemption
22 provided for has expired. If the mortgage, together with
23 interest and costs, is not paid within 18 months after the date
24 of filing of the certificate in the registry of deeds, the
25 mortgage is deemed foreclosed and the right of redemption
26 expired. The filing of the certificate in the registry of deeds
27 is sufficient notice of the existence of the mortgage. In the
28 event that the rate, toll, rent or other charge, with interest
29 and costs, is paid within the period of redemption, the treasurer
30 of the district shall discharge the mortgage in the same manner
31 as provided for discharge of real estate mortgages.

32 **Sec. 10. Ownership of real and personal property; eminent domain.**

33 The district is granted the right of eminent domain and, for the
34 purposes of this Act, is authorized to take and hold for public
35 uses, either by exercising its right of eminent domain or by
36 purchase, lease or otherwise, any land, easements or interests in
37 land or easements and any sewer or sewer rights necessary for
38 constructing, establishing, maintaining and operating sewers,
39 reservoirs, flush tanks, manholes, catch basins, filtration
40 plants, pumping stations and other appliances and property, used
41 or usable, for collecting, holding, purifying and disposing of
42 sewage matter and waste waters.

43 The district, for the purposes of its incorporation, is
44 authorized to take and hold within the area covered by the
45 district for public uses real estate and personal estate and any
46 interest in real estate and personal estate necessary for such
47 purposes by purchase, lease or otherwise and is authorized to
48 exercise the right of eminent domain as provided in this section
49 to acquire for such purposes any lands or interest in the lands
50

2 or water rights necessary for erecting and maintaining dams,
plants and works; for flowage; for pumping; for supplying water
4 through its mains; for reservoirs; for preserving the purity of
the water and watershed; for laying and maintaining mains,
6 aqueducts and other structures for taking, distributing,
discharging and disposing of water; for forming basins and
8 reservoirs; for erection of buildings; for pumping works for use
in the buildings; for laying and maintaining pipes and conduits
10 for carrying, collecting and discharging water; for filtering,
rectifying and treating plants, works and facilities; for such
12 other objects necessary, convenient and proper for the purpose of
its incorporation and for rights-of-way or roadways to its
14 sources of supply, dams, reservoirs, mains, aqueducts,
structures, plants, works facilities and lands.

16 The district is authorized to lay in and through the
streets, roads, ways and highways within the district and across
18 private lands within the district and to maintain, repair and
replace all pipes, mains, conduits, aqueducts and fixtures as may
20 be necessary and convenient for any of its corporate purposes and
authorities.

22 When the district lays or installs any pipes, aqueducts or
24 fixtures in any street, road, way or highway, the district shall
cause the same to be done with as little obstruction as
26 practicable to the public travel and shall at its own expense,
without unnecessary delay, replace in proper condition the earth
28 and pavement removed by the district.

30 This section may not be construed as authorizing the
district to take by right of eminent domain any of the property
32 or facilities of any other public service corporation or district
used or acquired for future use by the owner of the property or
34 facility in the performance of a public duty unless expressly
authorized or by subsequent act of the Legislature.

36 **Sec. 11. Procedure in exercising right of eminent domain; assessment**
38 **of damage; appeal procedure.** In exercising the right of eminent
domain, the district by its board of trustees shall file in the
40 office of the county commissioners of Somerset County and cause
to be recorded in the registry of deeds in the county plans of
42 the location of all lands and interests in lands to be taken with
an appropriate description and the names of the landowners, if
44 known. When the district fails to acquire property that it is
authorized to take and is described in the location, or if the
46 location recorded is defective and uncertain, it may correct and
perfect the location and file a new description of the location.
48 In that case, the district is liable in damages only for property
for which the owner had not previously been paid, to be assessed
50 as of the time of the

2 original taking. The district is not liable for any acts that
3 would have been justified if the original taking been lawful.
4 Entry may not be made on any private lands, except to make
5 surveys, until the expiration of 10 days from the filing, at
6 which time possession may be had of all the lands or interests in
7 the lands or property or rights to be taken, but title may not
8 vest in the district until payment for the lands is made.

9
10 If any person sustaining damages by any taking as provided
11 in this section does not agree with the trustees of the district
12 upon the sum to be paid for the damages, either party, upon
13 petition to the county commissioners of Somerset County, may have
14 the damages assessed by the county commissioners. The procedure
15 and all subsequent proceedings and the rights of appeal have the
16 same restrictions, conditions and limitations as are or may be
17 prescribed in the case of damages caused by laying out of
18 highways.

19
20 **Sec. 12. Procedure if public utility must be crossed.** In case of
21 crossing of any public utility, unless consent is given by the
22 company owning and operating the public utility as to place,
23 manner and conditions of the crossing within 30 days after
24 consent is requested by the district, the Public Utilities
25 Commission, upon petition by the district, shall determine the
26 place, manner and conditions of the crossing, and all work on the
27 property of the public utility must be done under the supervision
28 and to the satisfaction of the public utility or as prescribed by
29 the Public Utilities Commission, but at the expense of the
30 district.

31
32 **Sec. 13. Rights and obligations of abutters or others to enter.** Any
33 person may enter that person's private drain into any sewer of
34 the district while that sewer is under construction and before
35 completion of the sewer at the point of entry, and before an
36 entrance charge is established on obtaining a permit in writing
37 from the trustees. After the sewer is completed to the point of
38 entry and an entrance charge established on that location, a
39 person may not enter that person's private drain into any sewer
40 until that person has paid the entrance charge and obtained a
41 permit in writing from the trustees. All permits must be
42 recorded by the clerk of the district in its records before the
43 permits are issued.

44
45 Every building in the district intended for human
46 habitation, use or occupancy on premises abutting on a street in
47 which there is a public sewer or any building within 200 feet of
48 a public sewer must have a house drainage system that must be
49 connected with the sewer by the owner or agent of the premises in
50 the most direct manner possible, if feasible, with a separate
connection for each house or building, except that existing

2 buildings that are already served by a satisfactory private
4 sewage disposal system that meets and continues to meet the
6 requirements of section 1222(b) of the state plumbing code as now
8 written or as it may be amended are not required to connect with
10 the public sewer.

12 **Sec. 14. Excavation or repair work; closing of ways.** When the
14 district enters, digs up or excavates any public way or other
16 land for the purpose of laying its water or sewer pipes,
18 constructing manholes or catch basins or their appurtenances, or
20 maintaining the same, or for any other purpose, the work must be
22 expeditiously done with the least possible interruption, and, on
24 completion of the work, the district shall restore the way or
26 land to the condition it was in prior to the work or to a
28 condition equally as good.

30 When the character of the work is such as to endanger travel
32 on any public way, the municipal officers of the Town of Jackman
34 may order a temporary closing of the way and of any intersecting
36 way upon request of the district. The way must remain closed to
38 public travel until the municipal officers determine it is
40 restored to a condition safe for traffic.

42 **Sec. 15. Property tax exempt.** The property, both real and
44 personal, rights and franchises of the district are forever
46 exempt from taxation.

48 **Sec. 16. District's acquisition of property of Jackman Water District
and Jackman Sewer District.** The district acquires, under the terms
contained in this Act, all of the plant, properties, assets,
franchises, rights and privileges owned by the Jackman Water
District, including, without limitation, lands, buildings,
waters, water rights, springs, wells, filtration plants,
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.

The district acquires, under the terms contained in this
Act, all of the plant properties, assets, franchises, rights and
privileges owned by the Jackman Sewer District, including,
without limitation, lands, buildings, sewers, reservoirs, flush
tanks, manholes, catch basins, filtration plants, pumping
stations and other appliances and property used or usable for
collecting, holding, purifying and disposing of sewage matter and
waste waters.

The consideration paid is the assumption by the district of
all of the outstanding debts, obligations and liabilities of the

2 Jackman Water District and the Jackman Sewer District, including,
3 without limitation, the assumption by the district of any
4 outstanding notes or bonds of the Jackman Water District and the
5 Jackman Sewer District that are due on or after the date of
6 transfer.

7 **Sec. 17. Jackman Water District and Jackman Sewer District**
8 **required to sell property to district.** The Jackman Water District, a
9 quasi-municipal corporation organized and existing pursuant to
10 Private and Special Law 1971, chapter 119, and the Jackman Sewer
11 District, a quasi-municipal corporation organized and existing
12 pursuant to Private and Special Law 1969, chapter 88, under the
13 terms contained in this Act shall each sell, transfer and convey
14 to the district by appropriate instruments of conveyance all of
15 the Jackman Water District's plants, properties, assets,
16 franchises, rights and privileges, including, without limitation,
17 lands, buildings, waters, water rights, springs, wells,
18 reservoirs, tanks, standpipes, mains, pumps, pipes, machinery,
19 fixtures, hydrants, meters, services, tools, equipment and
20 appliances used or useful in supplying water for domestic,
21 commercial, industrial and municipal purposes; and all of the
22 plant, properties, assets, franchises, rights and privileges
23 owned by the Jackman Sewer District, including, without
24 limitation, lands, buildings, sewers, reservoirs, flush tanks,
25 manholes, catch basins, filtration plants, pumping stations and
26 other appliances and property used or usable for collecting,
27 holding, purifying and disposing of sewage matter and waste
28 waters in consideration of the assumption by the district of all
29 of the outstanding debts, obligations and liabilities of the
30 Jackman Water District and the Jackman Sewer District, including,
31 without limitation, the assumption of any outstanding notes or
32 bonds of the Jackman Water District and the Jackman Sewer
33 District that are due on or after the date of transfer.

34 **Sec. 18. Approval of Public Utilities Commission.** The transfer by
35 the Jackman Water District of its plant, properties, assets,
36 franchises, rights and privileges and the assumption by the
37 district of all outstanding debts, obligations and liabilities of
38 the Jackman Water District pursuant to sections 16 and 17 and the
39 subsequent use of the plants, properties, assets, franchises,
40 rights and privileges by the district within the limits of the
41 district are subject to the approval of the Public Utilities
42 Commission as may be required by the Maine Revised Statutes,
43 Title 35-A, Part 1.

44 **Sec. 19. Contracts of Jackman Water District and Jackman Sewer**
45 **District assumed by district.** All contracts between the Jackman
46 Water District and the Jackman Sewer District and any person,
47 firm or corporation relating to supplying water or sewer service
48 that are in effect on the date of the transfer by the
49
50

2 Jackman Water District and the Jackman Sewer District to the
district are assumed and carried out by the district.

4 **Sec. 20. Dissolution and termination of Jackman Water District and**
6 **Jackman Sewer District; pledge of revenues.** If all debts,
obligations and other liabilities of the Jackman Water District
8 and the Jackman Sewer District are paid in full and discharged or
the holders or owners of all debts, obligations and other
10 liabilities that have not been paid in full and discharged have
assented to the assumption of the debts, obligations and other
12 liabilities by the Jackman Water District and the Jackman Sewer
District and to the notation and substitution of the district as
14 obligor in place of the Jackman Water District and the Jackman
Sewer District, when the transfer of properties pursuant to
16 sections 16 and 17 is complete, the clerks of the Jackman Water
District and the Jackman Sewer District shall file a certificate
18 to that effect with the Secretary of State and the corporate
existences of the Jackman Water District and the Jackman Sewer
20 District terminate. After filing the certificates with the
Secretary of State, the clerks of the Jackman Water District and
the Jackman Sewer District shall submit legislation to repeal
22 Private and Special Law 1971, chapter 119, as amended, and
Private and Special Law 1969, chapter 88.

24
26 Until the corporate existences of the Jackman Water District
and the Jackman Sewer District are terminated pursuant to this
28 section, the gross revenues derived by the district from the sale
of water and sewer service within the area comprising the limits
30 of the district must be applied first to the payment of expenses
and 2nd to payments of debts, obligations and other liabilities
32 of the Jackman Water District and the Jackman Sewer District
assumed by the district pursuant to this Act.

34 **Sec. 21. Existing laws not affected; rights conferred subject to**
36 **provisions of law.** Nothing in this Act is intended to repeal or
may be construed as repealing the whole or any part of any
38 existing law and all the rights and duties described in this Act
must be exercised and performed in accordance with all the
40 applicable provisions of and amendatory acts to the Maine Revised
Statutes, Title 35-A to the extent that Title and its amendments
affect the operations of the district.

42
44 **Sec. 22. Emergency clause; referendum; effective date.** In view of
the emergency cited in the preamble, this Act takes effect when
46 approved only for the purpose of permitting its submission to the
legal voters of the Town of Jackman, the Town of Moose River, the
Dennistown Plantation and the Attean Township at a special town
48 meeting called and held in each municipality for the purpose not
later than December 31, 1997. The meeting

2 must be called, advertised and conducted according to the law
relating to municipal elections.

4 The sitting boards of trustees of the Jackman Water District
6 and the Jackman Sewer District shall appoint a registrar of
voters for the district, who may also be the registrar of voters
8 for any town within the district, and fix the registrar's
salary. It is the registrar's duty to make and keep a complete
10 list of all the eligible voters of the district. The list
prepared by the registrar governs the eligibility of any voter.
12 Voters who are residing outside the territorial limits of the
district, as defined in its charter, are not eligible voters and
14 the registrar of voters shall exclude those voters from the
registrar's list. All warrants issued for elections by the
16 trustees must show that only the voters resident within the
territorial limits of the district are entitled to vote. The
18 subject matter of this Act must be reduced to the following
question:

20 "Do you favor creating the Jackman Utility District by the
22 dissolution of the Jackman Water District and the Jackman
Sewer District?"

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

26 The results must be declared by the municipal officers of
28 the Town of Jackman, the Town of Moose River, the Dennistown
Plantation and the Attean Township and due certificates of the
30 results filed by the town clerks with the Secretary of State.

32 This Act takes effect for all the purposes immediately upon
34 acceptance by a majority of the legal voters voting at the
meeting only if the total number of votes cast for and against
36 the acceptance of this Act at the meeting equal or exceed 15% of
the total vote for all candidates for Governor cast in the towns
38 at the next preceding gubernatorial election, but failure of
approval by the necessary percentage of voters at any meeting
40 does not prohibit a subsequent meeting or meetings to be held for
the purpose on or before July 1, 1998.

42 SUMMARY

44 This bill combines the Jackman Water District and the
46 Jackman Sewer District under the new name of the Jackman Utility
District.