

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

acquire by purchase the water-related and wastewater-related plants, property, assets and franchises owned by the Town of Edgecomb that are used or usable in supplying water and sewer service within the district.

**Sec. 10. Effective date.** This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at a town meeting called for that purpose and held by July 1, 2010. The meeting must be called by the municipal officers of the town and be held at the regular voting places. The meeting must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the meeting. The subject matter of this Act is reduced to the following:

"To see if the Town will vote to create the Edgecomb Utility District and permit the district to acquire the water and wastewater assets of the Town of Edgecomb"

The results must be declared by the municipal officers of the Town of Edgecomb and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its acceptance by a majority of the legal voters voting at the town meeting. Failure to achieve the necessary approval by a majority of voters at a town meeting does not prohibit subsequent warrant articles consistent with this section, provided the town meetings are held prior to July 1, 2010.

Effective pending referendum.

**CHAPTER 11**

**H.P. 1165 - L.D. 1656**

**An Act To Amend the Fryeburg Water District Charter**

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

**Whereas,** the health, safety and convenience of the customers of the Fryeburg Water Company require adequate and affordable water service; 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 preserva-

tion 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 2005, c. 14, §3, first ¶** is amended to read:

**Sec. 3. Additional powers.** The district is authorized to enter into contracts with appropriate entities to arrange for, or provide, continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district to the extent permitted under and in accordance with applicable laws and rules. The district is also authorized to provide continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district. The district is authorized to own transmission mains, distribution pipes, service pipes, pumping equipment and other property pertinent to the operation of a water utility located in East Conway, New Hampshire.

**Sec. 2. P&SL 2005, c. 14, §8, first ¶** is amended to read:

**Sec. 8. District authorized to acquire property and franchises of Fryeburg Water Company.** The district, through its trustees, may acquire by purchase the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges owned by the Fryeburg Water Company, located within the district and located in East Conway, New Hampshire, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district or in East Conway, New Hampshire. The district is authorized to acquire by purchase the common stock of the Fryeburg Water Company as long as the stock is acquired for the sole purpose of allowing the district to acquire the Fryeburg Water Company. The district may acquire by the exercise of the right of eminent domain, a right expressly delegated to the district for that purpose, the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Fryeburg Water Company, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district. Except as otherwise expressly provided in this section and in furtherance of the acquisition of the Fryeburg Water Company pursuant to this section, the district may also acquire by the exercise of the right of eminent domain any tangible or intangible personal property that represents or constitutes an ownership interest in the company by another person or entity.

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

Effective May 10, 2007.

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## CHAPTER 12

### H.P. 921 - L.D. 1303

#### An Act To Establish the Columbia Falls Village Water District

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

**Whereas,** the health, safety and convenience of the customers of the Allen Water Company require adequate and affordable water service, and immediately creating authority to establish through a referendum vote the Columbia Falls Village Water District may be the means of ensuring such service; 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. Territorial limits; corporate name.** Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Columbia Falls described as follows: beginning at a point 2,500 feet south of the intersection of Main Street and Point Street; thence westerly 250 feet; thence northerly to the center line of Main Street; thence northeasterly along the center line of Main Street to the brook; thence northerly along the brook to Pleasant River; thence following the Pleasant River to a point due east of the point of beginning; thence due west to the point of beginning; and its inhabitants constitute a standard water district under the name of Columbia Falls Village Water District, referred to in this Act as "the district."

**Sec. 2. Powers; authority; duties.** The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

**Sec. 3. Power to take water.** For purposes of its incorporation, the district is authorized to use the water on property owned by the district and has the

authority to negotiate for water outside the district but within the Town of Columbia Falls.

**Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3 trustees. Trustees must be residents within the district.

**Sec. 5. Election of first board.** The first board of trustees of the district is appointed by the municipal officers of the Town of Columbia Falls. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

**Sec. 6. Terms of trustees.** After the appointment of the first board, trustees are elected to 3-year terms.

**Sec. 7. Acquisition of property of Allen Water Company.** The district, through its trustees, may acquire by purchase the plants, properties, assets, franchises, rights and privileges owned by the Allen Water Company, including, without limitation, all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools, treatment systems, treatment facilities and pump stations and all apparatus and appliances used or usable in supplying water within the district.

**Sec. 8. Assumption of debts.** On the date of purchase of the property of the Allen Water Company by the district pursuant to section 7, the district shall assume all of the outstanding debts, obligations and liabilities of the company, including, without limitation, the assumption by the district of any outstanding notes or bonds of the company that are due on or after the date of purchase. If the debt, obligations, liabilities, notes or bonds are not assumable, then the district is otherwise obligated for their repayment.

**Sec. 9. Transfer of contracts, permits and licenses.** All contracts between the Allen Water Company and any person, firm or corporation that are in effect on the date of purchase pursuant to section 7 are assumed and must be carried out by the district. All permits and licenses held by the company that are in effect on the date of purchase pursuant to section 7 are assumed by the district.

**Sec. 10. Approval of Public Utilities Commission.** The sale and transfer by the Allen Water Company to the district of its plants, properties, assets, franchises, rights and privileges and the assumption by the district of the company's outstanding debts, obligations and liabilities and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, Part 1.

**Sec. 11. Referendum; effective date.** This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within