

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 63**

H. P. 54

House of Representatives, January 10, 1979

Referred to the Committee on Public Utilities. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Smith of Mars Hill.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Increasing Borrowing Capacity of Mars Hill Utility District and  
Extending the Time Which That District has to Take Over Mars Hill and Blaine  
Water Company.**

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

Whereas, the private and special laws of 1957, chapter 143, section 11, provides that the Mars Hill Utility District may purchase or take the property of the Mars Hill and Blaine Water Company; and

Whereas, the borrowing capacity of this district is not presently sufficient to allow the trustees to purchase or to take that company; and

Whereas, the purchase or taking of that company is necessary to insure a continuing supply of pure and wholesome water for the inhabitants of this district and a continuing source of water for fire protection for the safety of the buildings within this district; 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. P&SL 1957, c. 143, § 11, 1st & 2nd ¶¶** are amended to read:

**Sec. 11. Procedure in case trustees fail to agree on terms of purchase.** In case the trustees fail to agree with the Mars Hill and Blaine Water Company upon the terms of purchase of said properties ~~within 10 years and 6 months of the acceptance of this act by the voters of the town of Mars Hill acting as specified in the referendum to accept the provisions of this act~~ **before July 1, 1980**, said District, through its trustees aforesaid, is hereby authorized to take the plant, property and franchises of said company for public use by petition in the manner hereinafter specified.

Said district, through its trustees, is hereby authorized, before ~~the expiration of 11 years from the date of the acceptance of this act by the voters of the town of Mars Hill as specified herein~~ **January 1, 1981**, to file its petition if proceedings are necessary against said company, in the clerk's office of the Superior Court for the county of Aroostook, in term time or in vacation, addressed to any Justice of said Court. The Justice so named shall, at his discretion, appoint appraisers, under such conditions and charged with such powers and duties as he deems necessary, to examine the books, ledgers, documents, accounts, bank statements, names and addresses and schedules of ratepayers, property of said company, plans, specifications and drawings relating to the condition, function or location of said property and all manner of things which the Court may deem necessary for a full understanding of the matter and for fixing a valuation of said plant, property and franchises.

**Sec. 2. P&SL 1957, c. 143, § 12, 1st sentence**, as last amended by P&SL 1969, c. 28, is further amended to read:

For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money temporarily in an amount not to exceed ~~\$750,000~~ **\$1,500,000 outstanding at any one time** and to issue therefor the interest-bearing negotiable notes of the district and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, in reimbursing said town, in acquiring the aforesaid properties, privileges and franchises of the Mars Hill and Blaine Water Company, its successors or assigns, by purchase or otherwise, or securing sources of supply, taking water and land, paying damages, laying pipes, constructing and maintaining and operating a water, sewerage and drainage system, sewage treatment and disposal facilities and making extensions, additions and improvements to the same, the said district through its trustees may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees therefor, maturing at one time or in uniform or varying installments with or without call provisions and at or without any premium.

**Sec. 3. P&SL 1957, c. 143, § 20**, is amended to read:

**Sec. 20. Provision for acquiring company void unless acted upon in due time.**

If said District shall fail to purchase or file its petition to take by eminent domain before ~~the expiration of 11 years after the acceptance of this act by the voters of the town of Mars Hill~~ **January 1, 1981**, the provisions for the purchase or taking by eminent domain shall become null and void.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is to allow the Mars Hill Utility District to increase its borrowing capacity from \$750,000 to \$1,500,000 and to borrow the necessary funds for the purposes of purchasing and improving the Mars Hill and Blaine Water Company. It also provides that if the District is to obtain the Mars Hill and Blaine Water Company assets through its powers of eminent domain, that it must do so prior to January 1, 1981.