

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1760

H. P. 1651

House of Representatives, January 3, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mr. Birt of E. Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Authorize the Town of East Millinocket to Purchase the Assets of Northern Water Company.

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

Whereas, the Town of East Millinocket wishes to issue general obligation bonds of the town to finance the acquisition of the water system of the Northern Water Company to issue the continuation of a safe and dependable supply of water for the use of the town and its inhabitants and to finance certain improvements to the water system; and

Whereas, legislation is needed to authorize the bonds; 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. Acquisition authorized. The Town of East Millinocket is authorized to acquire the water system assets of the Northern Water Company, located in part within and in part without the town, and to operate, maintain, repair, reconstruct,

improve and extend the water system as a municipal water system for its own use and for manufacturing domestic and sanitary use by its inhabitants and others. The Board of Selectmen shall have control of the water system and shall, subject to approval of the Public Utilities Commission, fix the schedule of rates, fees and other charges for the use of and for the services furnished by the water system, as provided by the Revised Statutes, Title 30, section 4253, with respect to water system rates. The treasurer of the town shall have the same power and authority to collect such rates, fees and charges as are granted by the Revised Statutes, Title 38, section 1208, to treasurers of sanitary sewer districts with respect to rates established and due under the Revised Statutes, Title 38, section 1202.

Sec. 2. Separate department. The water system, acquired and operated as provided in section 1, shall constitute a separate department of the Town of East Millinocket and revenues of the department from water system rates, fees and charges shall be held by the town treasurer apart from other funds of the town. Such revenue and any governmental grants or private gifts for water system purposes shall be applied by the treasurer without the need for specific appropriations by any town meeting only to the operation, maintenance, repair, reconstruction, improvement and extension of the water system. The Board of Selectmen may appoint and employ a water commissioner, who shall be the head of the water department, and such additional water department personnel as may be deemed appropriate. No person shall be disqualified from holding a position in the water department by virtue of holding any other town office or employment.

Sec. 3. Bonds authorized. For the purposes authorized by this Act and to refund indebtedness incurred for those purposes, the Town of East Millinocket is authorized to issue its bonds and notes in the manner provided by the Revised Statutes, Title 30, section 5152.

Sec. 4. Proceedings validated. All actions taken by the Town of East Millinocket Act referenda held June 28, 1979, and December 26, 1979, to authorize the acquisition of Northern Water Company and to authorize the issuance of bonds pursuant to the Revised Statutes, Title 30, section 4252, are ratified, validated and confirmed, and the municipal officers designated in the Revised Statutes, Title 30, section 5152, may issue bonds pursuant to that section to finance the projects authorized by the referendum or to refund bonds previously issued for those purposes without the need for additional town meeting action.

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 reflected in the emergency preamble.