

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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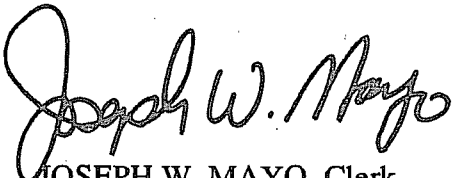
House of Representatives, March 18, 1993

**An Act to Amend the Charter of the Newport Water District.**

**(EMERGENCY)**

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Reference to the Committee on Utilities suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.

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

4           Whereas, changes need to be made to the charter of the  
6 Newport Water District; and

8           Whereas, the changes need to take effect immediately to  
ensure the proper operation of the district; and

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

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

18           Sec. 1. P&SL 1975, c. 29, §§1, 2 and 4 are amended to read:

20           Sec. 1. Territorial limits; corporate name; purposes. Subject--to  
22 ~~the provisions of section 19 hereof,--the~~ The inhabitants and  
territory of the Town of Newport in the County of Penobscot shall  
24 and a portion of the Town of Palmyra, comprised of an area  
starting at a point at the intersection of the southernmost point  
26 of Lot 15 on Map 4 of the Town of Newport tax maps, the Maine  
Central Railroad, and the Town of Newport and Town of Palmyra  
28 town line; thence southwesterly within the Town of Palmyra along  
the Maine Central Railroad to the intersection of the southeast  
30 corner of Lot 33 on Map 3 of the Town of Palmyra tax maps; thence  
due westerly to the intersection of the southwest corner of the  
32 same Lot 33 and Lot 40; thence following the northern border of  
Lot 40 in a westerly direction until the intersection of Route  
34 11-100 and the northwest corner of Lot 40; thence northerly along  
Route 11-100 until the intersection of Route 11-100 and the Smith  
36 Road; thence northerly along the Smith Road until the  
intersection of the Smith Road and Interstate Highway 95 on Map 5  
38 of the Town of Palmyra property maps; thence easterly along  
Interstate Highway 95 until the intersection of Interstate  
40 Highway 95 and Lot 91 belonging to Central Maine Power Company on  
Map 5 of the Town of Palmyra property maps; thence due easterly  
42 about 1,250 feet until the intersection of the southeast corner  
of Lot 77-4 and the southwest corner of Lot 72 on Map 5 of the  
44 Town of Palmyra property maps; thence northerly along the western  
edge of the same Lot 72 until the intersection of Lot 72 and  
46 Route 2; thence northeasterly across Lots 73, 66 and 65 on Map 5  
until a point approximately 3,000 feet north of Route 2 at the  
48 intersection of the southeast corner of Lot 23-2 on Map 4 of the  
Town of Newport tax maps and the Newport and Palmyra town lines,  
50 constitute a body politic and corporate under the

2 name of "Newport Water District" for the purpose of supplying  
3 ~~said-Town-of-Newport~~ and the inhabitants and others of said the  
4 district, with pure water for domestic, sanitary, commercial,  
5 industrial, agricultural and municipal purposes.

6 **Sec. 2. Source of supply.** The said water district, for the  
7 purposes of its the district's incorporation, is hereby  
8 authorized to take, collect, store, hold, divert, use, flow,  
9 detain and distribute water from any well, lake, pond, stream or  
10 river and from any surface or underground brook, spring or vein  
11 of water ~~in-said-Town-of-Newport~~ within the territorial limits of  
12 the Newport Water District and from any other source from which  
13 the Maine Water Company is now authorized to take water.

14 **Sec. 4. Authorized to lay pipes over public ways.** The said  
15 district is hereby authorized to lay in and through the streets,  
16 roads, ways, highways and bridges ~~in-said-Town-of-Newport~~ within  
17 the territorial limits of the Newport Water District, and across  
18 private lands ~~therein in the Town of Newport~~ and within the  
19 territorial limits of the Newport Water District, and to  
20 maintain, repair and replace all such pipes, aqueducts and  
21 fixtures as may be necessary and convenient for its the  
22 district's corporate purposes, and whenever said the district  
23 shall lay lays any pipes or aqueducts in any street, road, way or  
24 highway, ~~it~~ the district shall cause the same to be done with as  
25 little obstruction as practicable to the public travel, and shall  
26 at its the district's own expense, without unnecessary delay,  
27 cause the earth and pavement removed by ~~it~~ the district to be  
28 replaced in proper condition.

29 **Sec. 2. P&SL 1975, c. 29, §9** is repealed and the following  
30 enacted in its place:

31 **Sec. 9. Board of trustees.** All the affairs of the district must  
32 be managed by a board of 7 trustees, 6 from the Town of Newport  
33 and one from the Town of Palmyra. The trustees from the Town of  
34 Newport are elected by Australian ballot at the annual town  
35 meeting. The trustee from the Town of Palmyra is appointed by  
36 the municipal officers. Trustees serve for terms of 3 years. A  
37 municipal officer may not be a member of the board of trustees.

38 Whenever any trustee ceases to be a resident of the  
39 district, the trustee vacates the office of trustee. All  
40 trustees, if residents of the district, are eligible for  
41 reelection. A vacancy in the office of trustee from the Town of  
42 Newport must be filled by the municipal officers until the next  
43 annual town meeting and at such annual town meeting the unexpired  
44 portion of the term, if any, must be filled as directed in this

2 Act. A vacancy in the office of trustee from the Town of Palmyra  
3 must be filled by appointment by the municipal officers for the  
4 unexpired term.

5  
6 As soon as convenient after election of the trustees, the  
7 first board of trustees shall hold a meeting at some convenient  
8 place in the district, to be called by any member of the district  
9 in writing, designating the time and place and delivered in hand  
10 to the other members, not less than 2 full days before the  
11 meeting, except that they may meet by agreement without such  
12 notice. They shall organize by electing from their own number a  
13 chair and a clerk and, not necessarily from their own number, a  
14 treasurer. They shall adopt a corporate seal and may adopt  
15 bylaws and perform any other acts within the powers delegated to  
16 them by law. Following each annual town meeting of the Town of  
17 Newport, the trustees shall elect from their own number a chair  
18 and a clerk and, not necessarily from their own number, a  
19 treasurer to serve until the next annual town meeting of the Town  
20 of Newport and until their respective successors are elected and  
21 qualified.

22 The trustees from time to time may choose, employ and fix  
23 the compensation of any other necessary officers and agents, who  
24 serve at their pleasure. The treasurer shall furnish bond in  
25 such sums and with such sureties as the trustees approve, the  
26 cost of the bond to be paid by the district. Members of the  
27 board of trustees are eligible for any office under the board.  
28 The trustees are entitled to compensation of \$25 for each regular  
29 or special meeting attended, except that the total annual  
30 compensation may not exceed \$300. The chair is entitled to an  
31 additional \$200 per year; the vice-chair is entitled to an  
32 additional \$50 per year; the secretary is entitled to an  
33 additional \$10 for each meeting attended; and the assistant  
34 secretary is entitled to an additional \$10 for each meeting  
35 attended in the absence of the secretary. The trustees shall  
36 hold at least 6 public meetings per year and shall publish a  
37 notice 5 days prior to the meeting, stating the place, date and  
38 time of the meeting.

39  
40 The trustees must be sworn to the faithful performance of  
41 their duties, which include the duties of any member who serves  
42 as clerk or clerk pro tem. The trustees shall make and publish  
43 an annual report, including a report of the treasurer, and such  
44 the report may be included in, and published as part of, the  
45 annual town reports of the Town of Newport and the Town of  
46 Palmyra. The trustees shall publish an independent auditor's  
47 report and make the same available once a year to the users.

48  
49 **Sec. 3. P&SL 1975, c. 29, §12 is amended to read:**  
50

2           **Sec. 12. Authority to contract for municipal supply; all valid**  
3 **contracts to be assumed.** Said The water district is hereby  
4 authorized to make contracts with the Town of Newport and the  
5 Town of Palmyra or any municipal corporation therein located in  
6 the towns for the purpose of supplying water as contemplated by  
7 this Act, and the Town of Newport and the Town of Palmyra by its  
8 selectmen the towns' municipal officers or any municipal  
9 corporation in said--town the towns by its the towns' proper  
10 officers is hereby authorized to enter into a contract with said  
11 the district for a supply of water for public uses on such terms  
12 and for such time as the parties may agree, which contract when  
13 made shall-be is legal and binding on all parties thereto to the  
14 contract, and said the Town of Newport and the Town of Palmyra  
15 or any municipal corporation therein located in the towns for  
16 said those purposes may raise money in the same manner as for  
17 other municipal charges. All valid contracts now existing  
18 between Maine Water Company and any persons, corporations or  
19 municipal corporations for supplying water in the Town of Newport  
20 shall and the Town of Palmyra must be assumed and carried out by  
21 said the Newport Water District, provided copies of said the  
22 contracts shall--have--been are filed by said the company in  
23 accordance with the order of the court as set forth in section 11.

24           **Sec. 4. Additional members.** The additional member of the  
25 Board of Trustees of the Newport Water District from the Town of  
26 Newport must be elected by Australian ballot and the additional  
27 member from the Town of Palmyra must be appointed by the  
28 municipal officers and reside in the part of Palmyra that is  
29 located within the territorial limits of the district. The 2 new  
30 members serve for terms of 3 years. The existing members of the  
31 board serve out the remainder of their 3-year terms.

32           **Sec. 5. Emergency clause; referendum; effective date.** In view of  
33 the emergency cited in the preamble, this Act takes effect when  
34 approved, except that the changes made pertaining to the  
35 inclusion of a portion of the Town of Palmyra in the Newport  
36 Water District and the addition of 2 new members to the Board of  
37 Trustees of the Newport Water District, one from the Town of  
38 Newport and one from the Town of Palmyra, take effect only for  
39 the purpose of permitting its submission to the legal voters of  
40 the Newport Water District, resident in the district at an  
41 election called for that purpose and held by December 31, 1993.  
42 The election must be called, advertised and conducted according  
43 to the laws relating to municipal el tions, except that the  
44 registrar of voters is not required to prepare or the clerk to  
45 post a new list of voters and, for this purpose, the registrar of  
46 voters must be in session 3 secular days preceding the election  
47 of which the first 2 days must be devoted to

2 registration of the voters and the last day to verification of  
the list and completion of the records of these sessions by the  
4 registrar. The subject matter of this Act is reduced to the  
following question:

6 "Do you favor amending the charter that created the Newport  
Water District to include part of the Town of Palmyra and  
8 add 2 additional members to the Board of Trustees of the  
Newport Water District, one from the Town of Newport and one  
10 from the Town of Palmyra?"

12 The voters shall indicate by a cross or check mark placed  
against the word "Yes" or "No" their opinion of the same. This  
14 Act takes effect immediately upon its acceptance by a majority of  
the legal voters voting at the election.

16 The result of the vote must be declared by the municipal  
18 officers of the Town of Newport and the Town of Palmyra and due  
certificate of the results filed by the town clerk with the  
20 Secretary of State.

22 This Act takes effect for all purposes immediately upon its  
acceptance by a majority of the legal voters of the portion of  
24 the Town of Palmyra located within the district voting at the  
special election. Failure of the approval by the necessary  
26 majority of voters at any such election does not prevent a  
subsequent election or elections from being held for that purpose.

28

30

#### STATEMENT OF FACT

32 This bill amends the charter of the Newport Water District  
by amending the territory to include part of the Town of Palmyra  
34 and it also adds 2 additional members to the board of trustees.  
The bill also amends the compensation that the board members  
36 receive for attending board meetings.