

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "F" to H.P. 311, L.D. 415, Bill, "An Act to Require Uniform Public Access and Tax Status for Water Districts"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Charter of the Bangor Water District'

Further amend the bill inserting before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. 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.

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

Whereas, amendments to the Bangor Water District Charter are immediately required in order to implement a settlement of claims between the Bangor Water District and the Town of Otis; 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,'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. P&SL 1957, c. 39, §2 is amended to read:

Sec. 2. Source of supply. The said district, for the purposes of its incorporation, is hereby authorized and empowered to purchase, take, hold, divert, use and distribute water from Floods pond, Burnt pond, Little Burnt pond, Speetaele-pond, Beech Hill-pond, Snowshoe pond, and Fitts pond in the counties of Penobscot and Hancock, ~~as the case may be, or any of them.~~ Until such time as a water supply may be available from one or more of the these ponds heretofore--named, the District district is authorized to take, hold, divert, use and distribute water from the Penobscot River.

Sec. 2. P&SL 1957, c. 39, §9 is amended to read:

Sec. 9. Property tax exempt. The property of said the district, ~~wherever located~~ within its territorial limits, shall be is exempt from taxation. Outside its territorial limits, the following property of the district is tax exempt: all pipes, fixtures, hydrants, conduits, gatehouses, treatment facilities, pumping stations, reservoirs and dams of the district.

Sec. 3. P&SL 1963, c. 98, §3 is repealed.'

Further amend the bill by inserting at the end before the statement of fact the following:

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

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill requires the Bangor Water District to relinquish water rights to 2 ponds and to pay taxes on certain formerly tax-exempt properties. The additional costs of this state mandate can not be determined at this time. Pursuant to the Mandate Preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.'

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STATEMENT OF FACT

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This amendment strikes and replaces the bill. This amendment also strikes and replaces the title of the bill, adds a mandate preamble and an emergency preamble and emergency clause to the bill and adds a fiscal note.

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This amendment removes Spectacle pond and Beech Hill pond from the list of ponds from which the Bangor Water District may take water. This amendment changes the tax status of the district. Currently all of the district's property is tax exempt. Under this amendment, the district's property within the territory of the district remains tax exempt. Outside the territory of the district, under this amendment, only pipes, hydrants, treatment facilities and other fixtures are tax exempt. All other property of the district outside the territory of the district is subject to taxation.

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