

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1344

S.P. 423

In Senate, March 4, 1997

**An Act to Create the Mt. Blue Standard Water District.**

(EMERGENCY)

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BENOIT of Franklin.  
Cosponsored by Representative LaVERDIERE of Wilton and  
Representative: GOOLEY of Farmington.

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

4           **Whereas,** the residents of the Town of Phillips and the Town  
6 of Avon are in immediate need of forming a quasi-municipal entity  
to supply potable water; and

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

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

16           **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine  
18 Revised Statutes, Title 35-A, chapter 64, that part of the Town  
of Phillips and the Town of Avon starting at a point 44°45'00"  
20 north 70°19'30" west, thence northerly to 44°50'30" north, thence  
westerly to 70°22'30" west, thence southerly to 44°45'00" north,  
22 thence easterly to the point of beginning and its inhabitants  
constitute a standard district under the name Mt. Blue Standard  
24 Water District and referred to this Act as the "district."

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

30           Pursuant to section 6403, subsection 2, paragraph D, Mt.  
32 Blue Standard Water District is authorized to take and use water  
from any source of supply within the legal boundaries of the Town  
34 of Phillips and the Town of Avon.

36           **Sec. 3. Number of trustees.** The board of trustees of the  
district is composed of 5 trustees, 4 from the Town of Phillips  
38 and one from the Town of Avon. A trustee must be a residential  
customer or a commercial customer of the district or an Avon  
40 Valley Association customer.

42           **Sec. 4. Appointment of first board.** The first board is selected  
by the municipal officers of the Town of Phillips and the Town of  
44 Avon within 6 months of approval of this Act by the voters in  
accordance with section 7.

46           **Sec. 5. Terms of trustees.** After the election of the first  
48 board, trustees are elected to 3-year terms.

**Sec. 6. Authorized to acquire property of Phillips Water Company.**

2 Pursuant to the Maine Revised Statutes, Title 35-A, section 6403,  
3 subsection 2, paragraph C, the district, through its trustees,  
4 may acquire by purchase all or part of the plants, properties,  
5 franchises, rights and privileges owned by the Phillips Water  
6 Company, including all lands, waters, water rights, reservoirs,  
7 pipes, machinery, fixtures, hydrants and tools and all apparatus  
8 and appliances used or usable in supplying water in the area of  
9 the district. The district may acquire by the exercise of the  
10 right of eminent domain, a right expressly delegated to the  
11 district for that purpose, all or part of the plants, properties,  
12 franchises, rights and privileges except cash assets and accounts  
13 receivable owned by the Phillips Water Company, including all  
14 lands, waters, water rights, dam structures, reservoirs, pipes,  
15 machinery, fixtures, hydrants and tools and all apparatus and  
16 appliances used or usable in supplying water in the area of the  
17 district, and if and when so acquired, the district, in addition  
18 to the powers conferred by this Act, may exercise all rights,  
19 privileges and franchises of the Phillips Water Company.

20  
21 In exercising the right of eminent domain under this  
22 section, the trustees shall file with the district clerk a  
23 condemnation order that includes a detailed description of the  
24 property interests to be taken, the name or names of the owner or  
25 owners of record so far as they can be reasonably determined and  
26 the amount of damages determined by the trustees to be just  
27 compensation for the property or interest taken. The trustees  
28 shall serve upon the owner or owners of record a copy of the  
29 condemnation order and a check in the amount of the damages  
30 awarded and record a certified copy of the condemnation order in  
31 the Franklin County Registry of Deeds. In the event of multiple  
32 ownership, the check may be served on any one of the owners.  
33 Title passes to the district upon service of the order of  
34 condemnation and check or upon recordation in accordance with  
35 this Act, whichever occurs first. Acceptance and negotiation of  
36 the check do not bar an appeal under this Act.

37  
38 Any person aggrieved by the determination of the damages  
39 awarded to owners of property or interest in the property under  
40 this section may, within 60 days after service of the  
41 condemnation order and check, appeal to the Superior Court of  
42 Franklin County. The court shall determine damages by a verdict  
43 of its jury or, if all parties agree, by the court without a jury  
44 or by a referee or referees and shall render judgment for just  
45 compensation, with interest when interest is due, and for costs  
46 in favor of the party entitled to costs. Appeal from the  
47 decision of the Superior Court may be had to the Law Court as in  
48 other civil actions.

2           **Sec. 7. Emergency clause; referendum; effective date.** In view of  
3 the emergency cited in the preamble, this Act takes effect when  
4 approved only for the purpose of permitting its submission to the  
5 legal voters within the territory described in section 1 of this  
6 Act at an election called for that purpose and held by July 1,  
7 1998. The election must be called by the municipal officers of  
8 the respective towns and must be held at the regular voting  
9 places. The election must be called, advertised and conducted  
10 according to the law relating to municipal elections, except that  
11 the registrars of voters are not required to prepare or the  
12 clerks to post new lists of voters. For the purpose of  
13 registration of voters, the registrars of voters must be in  
14 session the secular day preceding the election. The subject  
15 matter of this Act is reduced to the following questions:

16           Question A. "Do you favor creating the Mt. Blue Standard  
17 Water District?"

18           Question B. "Do you favor allowing the Mt. Blue Standard  
19 Water District to purchase the assets of the Phillips Water  
20 Company?"

21           The voters shall indicate by a cross or check mark placed  
22 against the words "Yes" or "No" their opinion of the same.  
23

24           The results must be declared by the municipal officers of  
25 the Town of Phillips and the Town of Avon and due certificates of  
26 the results filed by the clerks with the Secretary of State.  
27

28           This Act takes effect for all purposes immediately upon its  
29 approval by a majority of the legal voters of each town voting at  
30 the election. Failure to achieve the necessary approval in any  
31 referendum does not prohibit subsequent referenda consistent with  
32 this section, provided the referenda are held prior to July 1,  
33 1998.  
34

35           **Sec. 8. P&SL 1891, c. 170,** as amended by PL 1965, c. 22, is  
36 repealed.  
37

38

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#### SUMMARY

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41           This bill creates the Mt. Blue Standard Water District.  
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