

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1770

H.P. 1251

House of Representatives, April 10, 1997

**An Act to Create the Pleasant River Standard Water District.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.  
Cosponsored by Senator CASSIDY of Washington and  
Representatives: BAGLEY of Machias, DRISCOLL of Calais, GOODWIN of Pembroke,  
LAYTON of Cherryfield.

2           **Mandate preamble.** This measure requires one or more local  
3 units of government to expand or modify activities so as to  
4 necessitate additional expenditures from local revenues but does  
5 not provide funding for at least 90% of those expenditures.  
6 Pursuant to the Constitution of Maine, Article IX, Section 21,  
7 two thirds of all of the members elected to each House have  
8 determined it necessary to enact this measure.

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

12           **Whereas,** the residents of the Town of Addison and the Town  
13 of Columbia Falls are in immediate need of forming a  
14 quasi-municipal entity to supply potable water; and

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

20  
21 **Be it enacted by the People of the State of Maine as follows:**

22  
23           **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine  
24 Revised Statutes, Title 35-A, section 6403, subsection 1,  
25 paragraph B, and subject to section 9 of this Act, parts of the  
26 Town of Addison and the Town of Columbia Falls and their  
27 inhabitants constitute a standard water district under the name  
28 "Pleasant River Standard Water District," referred to in this Act  
29 as the "district." The district is within the following  
30 boundaries: Beginning at a point where U.S. Route 1 intersects  
31 the western boundary of the Town of Columbia Falls; thence  
32 easterly along the southerly side of U.S. Route 1 to its  
33 intersection with the Pleasant River in the Town of Columbia  
34 Falls; thence following the southern and western bank of the  
35 Pleasant River in an easterly and southerly direction until it  
36 intersects with the West Branch of the Pleasant River in the Town  
37 of Addison; thence northerly along the eastern bank of the West  
38 Branch of the Pleasant River to its intersection with the  
39 northern boundary of the Town of Addison; thence easterly along  
40 the northern boundary of the Town of Addison to the intersection  
41 of the western boundary of the Town of Columbia Falls, thence  
42 northerly along that boundary to the point of beginning.

43  
44           **Sec. 2. Powers; authority; duties.** Except as otherwise provided  
45 in this Act, the district has all the powers and authority and is  
46 subject to all the requirements and restrictions provided in the  
47 Maine Revised Statutes, Title 35-A, chapter 64.  
48

2           **Sec. 3. Power to take water.** The district is authorized to take  
and use water from any source within the legal boundaries of the  
4           Town of Addison or the Town of Columbia Falls.

6           **Sec. 4. Authorized to acquire property and franchises of the Allen  
Water Company and the Addison Point Water District.** Pursuant to the  
8           Maine Revised Statutes, Title 35-A, section 6403, subsection 2,  
paragraph C, the district, through its trustees, may acquire by  
10           purchase all or part of the plants, properties, franchises,  
rights and privileges owned by the Allen Water Company and the  
12           Addison Point Water District, including all lands, waters, water  
rights, reservoirs, pipes, machinery, fixtures, hydrants, tools  
14           and all apparatus and appliances used or usable in supplying  
water in the area of the district. The district may acquire by  
16           the exercise of the right of eminent domain, a right expressly  
delegated to the district for that purpose, all or part of the  
18           plants, properties, franchises, rights and privileges except cash  
assets and accounts receivable owned by the Allen Water Company  
20           and the Addison Point Water District, including all lands,  
waters, water rights, dam structures, reservoirs, pipes,  
22           machinery, fixtures, hydrants, tools and all apparatus and  
appliances used or usable in supplying water in the area of the  
24           district. If acquired, the district, in addition to the powers  
conferred by this Act, may exercise all rights, privileges and  
26           franchises of the Allen Water Company and the Addison Point Water  
District.

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

46           Any person aggrieved by the determination of the damages  
awarded to owners of property or interests taken under this  
48           section may appeal, within 60 days after service of the  
condemnation order and check, to the Superior Court of Washington  
50           County. The court shall determine damages by a verdict of its

2 jury or, if all parties agree, by the court without a jury or by  
4 a referee or referees, and shall render judgment for just  
6 compensation, with interest when interest is due and for costs in  
8 favor of the entitled party. A decision of the Superior Court  
10 may be appealed to the Law Court, as in other civil actions.

12 **Sec. 5. Number of trustees; qualifications.** The board of trustees  
14 of the district is composed of 5 trustees, 3 from the Town of  
16 Addison and 2 from the Town of Columbia Falls.

18 **Sec. 6. Selection of first board.** The first board is selected by  
20 the municipal officers of the Town of Addison and the Town of  
22 Columbia Falls within 6 months of approval of this Act by the  
24 voters in accordance with section 9.

26 **Sec. 7. Terms of trustees.** After the selection of the first  
28 board, trustees are elected to 3-year terms in accordance with  
30 Title 35-A, section 6410, subsection 1.

32 **Sec. 8. P&SL 1989, c. 118 is repealed.**

34 **Sec. 9. Emergency clause; referenda; effective date.** In view of the  
36 emergency cited in the preamble, this Act takes effect when  
38 approved only for the purpose of permitting its submission to the  
40 legal voters within the territory described in section 1 of this  
42 Act at elections called in the Town of Addison and the Town of  
44 Columbia Falls for that purpose and held by July 1, 1998. The  
46 elections must be called, advertised and conducted according to  
48 the law relating to municipal elections. The registrars shall  
make a complete list of all the eligible voters of the proposed  
district as defined in this Act. The list prepared by the  
registrars governs the eligibility of any voter. Voters who are  
residing outside the territorial limits of the proposed district,  
as defined in this Act, are not eligible voters and the  
registrars of voters shall exclude those voters from the  
registrars' lists. For the purpose of registration of voters,  
the registrars of voters must be in session the secular day  
preceding the elections. The subject matter of this Act is  
reduced to the following questions:

40 "Do you favor creating the Pleasant River Standard Water  
42 District?"

44 "Do you favor permitting the Pleasant River Standard Water  
46 District to purchase the assets of the Allen Water Company  
and the Addison Point Water District?"

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

2           The results must be declared by the municipal officers of  
the Town of Addison and the Town of Columbia Falls and due  
4 certificate of the results filed by the clerks with the Secretary  
of State.

6  
8           This Act takes effect for all purposes immediately upon its  
approval by a majority of the legal voters voting at the  
elections. Failure to achieve the necessary approval in any  
10 referendum does not prohibit subsequent referenda consistent with  
this section, provided the referenda are held prior to July 1,  
12 1998.

14

### SUMMARY

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18           This bill authorizes the creation of the Pleasant River  
Standard Water District. The bill also repeals the authority for  
the Columbia Falls Water District, which was never accomplished.