

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1977

S.P. 702

In Senate, March 23, 1999

An Act to Create the Farmington Falls Standard Water District.

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENOIT of Franklin.
Cosponsored by Representative GOOLEY of Farmington and
Representatives: LaVERDIERE of Wilton, SAMSON of Jay.

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

Whereas, uninterrupted collection and distribution of water is essential to the health and welfare of inhabitants of Chesterville and Farmington; and

Whereas, the formation of the water district is urgently needed to ensure that the collection and distribution of water is not interrupted; and

Whereas, the water district may apply for and receive grants to ensure uninterrupted water service; 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. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 6 of this Act, that part of the towns of Farmington and Chesterville described as follows: Starting at a point on the northerly side of U. S. Route #2 at its intersection with the Farmington-New Sharon town line, thence southerly along the town line to the Sandy River and continuing in the same line across the river and Thomas Road to a point on the westerly side of an unnamed brook, thence along the westerly side of the brook to the most southerly spring now or formerly owned by the Farmington Falls Water Company, thence northwesterly to the easterly abutment of the Wilson Stream Bridge, also known as the Green Bridge, thence northeasterly to an iron post at the southeast corner of the Blake Cemetery, so-called, thence southeasterly to a point on the aforementioned Farmington-New Sharon town line, thence southerly along the town line a distance of 300 feet to the point of beginning; and its inhabitants constitute a standard district under the name "Farmington Falls Standard Water District" and referred to in this Act as the "district."

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

2 The district is authorized to take and use water from any
source of supply within the legal boundaries of the Town of
Farmington and the Town of Chesterville.

4
6 The Farmington Falls Standard Water District has the
authority to serve customers that reside in New Sharon.

8 **Sec. 3. Number of trustees.** The board of trustees of the
district is composed of 3 trustees, one from the Town of
10 Chesterville and 2 from the Town of Farmington. A trustee must
be a resident of the district and reside in a household to which
12 the district's service is provided.

14 **Sec. 4. Appointment of first board.** The first board is selected
by the municipal officers of the Town of Farmington and the Town
16 of Chesterville within 6 months of approval of this Act by the
voters in accordance with section 8.

18 **Sec. 5. Terms of trustees.** After the selection of the first
20 board, trustees are elected to 3-year terms in accordance with
the Maine Revised Statutes, Title 35-A, section 6410, subsection
22 1.

24 **Sec. 6. Authorized to acquire property of Farmington Falls Water
District.** Pursuant to the Maine Revised Statutes, Title 35-A,
26 section 6403, subsection 2, paragraph C, the district, through
its trustees, may acquire by purchase all or part of the plants,
28 properties, franchises, rights and privileges owned by the
Farmington Falls Water Company, including all lands, waters,
30 water rights, reservoirs, pipes, machinery, fixtures, hydrants
and tools and all apparatus and appliances used or usable in
32 supplying water in the area of the district. The district may
acquire by the exercise of the right of eminent domain, a right
34 expressly delegated to the district for that purpose, all or part
of the plants, properties, franchises, rights and privileges
36 except cash assets and accounts receivable owned by the
Farmington Falls Water District, including all lands, waters,
38 water rights, dam structures, reservoirs, pipes, machinery,
fixtures, hydrants and tools and all apparatus and appliances
40 used or usable in supplying water in the area of the district,
and if and when so acquired, the district, in addition to the
42 powers conferred by this Act, may exercise all rights, privileges
and franchises of the Farmington Falls Water District.

44
46 In exercising the right of eminent domain under this
section, the trustees shall file with the district clerk a
condemnation order that includes a detailed description of the
48 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
50 the amount of damages determined by the trustees to be just

2 compensation for the property or interest taken. The trustees
3 shall serve upon the owner or owners of record a copy of the
4 condemnation order and a check in the amount of the damages
5 awarded and record a certified copy of the condemnation order in
6 the Franklin County Registry of Deeds. In the event of multiple
7 ownership, the check may be served on any one of the owners.
8 Title passes to the district upon service of the order of
9 condemnation and check or upon recordation in accordance with
10 this Act, whichever occurs first. Acceptance and negotiation of
the check do not bar an appeal under this Act.

12 Any person aggrieved by the determination of the damages
13 awarded to owners of property or interest in the property under
14 this section may, within 60 days after service of the
15 condemnation order and check, appeal to the Superior Court of
16 Franklin County. The court shall determine damages by a verdict
17 of its jury or, if all parties agree, by the court without a jury
18 or by a referee or referees and shall render judgment for just
19 compensation, with interest when interest is due, and for costs
20 in favor of the party entitled to costs. A decision of the
21 Superior Court may be appealed to the Law Court as in other civil
22 actions.

24 **Sec. 7. P&SL 1981, c. 86 is repealed.**

26 **Sec. 8. Emergency clause; referendum; effective date.** In view of
27 the emergency cited in the preamble, this Act takes effect when
28 approved only for the purpose of permitting its submission to the
29 legal voters within the territory described in section 1 of this
30 Act at a regular or special election called for that purpose.
31 The election must be called by the municipal officers of the
32 respective towns and must be held at the regular voting places.
33 The election must be called, advertised and conducted according
34 to the law relating to municipal elections, except that the
35 registrars of voters are not required to prepare or the clerks to
36 post new lists of voters. For the purpose of registration of
37 voters, the registrars of voters must be in session the secular
38 day preceding the election. The subject matter of this Act is
reduced to the following questions:

40 Question A. "Do you favor creating the Farmington Falls
41 Standard Water District?"

44 Question B. "Do you favor allowing the Farmington Falls
45 Standard Water District to purchase the assets of the
46 Farmington Falls Water District?"

48 The voters shall indicate by a cross or check mark placed
49 against the words "Yes" or "No" their opinion of the same.
50

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

6 This Act takes effect for all purposes immediately upon its
approval by a majority of the legal voters of each town voting at
8 the election. Failure to achieve the necessary approval in any
referendum does not prohibit subsequent referenda consistent with
10 this section, provided the referenda are held prior to July 1,
2000.

12

14

SUMMARY

16

This bill creates the Farmington Falls Standard Water
District.

18