

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2586

H.P. 1848

House of Representatives, February 25, 2000

An Act to Create the Alfred Water District.

(AFTER DEADLINE)

(EMERGENCY)

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 black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative NASS of Acton.
Cosponsored by Senator LIBBY of York.

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

4 **Whereas,** uninterrupted collection and distribution of water
6 is essential to the health and welfare of inhabitants of the Town
of Alfred; and

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

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

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

20 **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine
22 Revised Statutes, Title 35-A, chapter 64, that part of the Town
of Alfred described as follows: Beginning at the point of
24 intersection of the Waterboro Road, which is also Route 202, and
the Littlefield River, proceeding southeasterly along the
26 southern shore of the river to the intersection of the Biddeford
Road, thence diagonally southeasterly to the Kennebunk Road at
28 the point of Tax Map 3, Lot 6 and Lot 7, thence southwesterly to
the intersection of Stone Road and the northern shore of Hay
30 Brook, thence southwesterly along the Alfred Town Line to the
intersection of the Jordan Spring Road, thence due north to the
32 intersection of the Mast Road and the Sanford Road, thence
diagonally in a northeasterly direction to the point of
34 beginning; and its inhabitants constitute a standard district
under the name Alfred Water District, referred to in this Act as
36 the "district."

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

42 Pursuant to Title 35-A, section 6403, subsection 2,
44 paragraph D, Alfred Water District is authorized to take and use
water from any source of supply within the legal boundaries of
46 the Town of Alfred.

48 **Sec. 3. Number of trustees; qualifications.** The board of trustees
of the district is composed of 3 trustees. A trustee must be a
50 resident of the district and reside in a household to which the
district's service is provided.

52

2 **Sec. 4. Election of first board.** The first board is elected in an
election called by the municipal officers of the Town of Alfred
4 within 6 months of approval of this Act by the voters in
accordance with section 7.

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

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

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

48 Any person aggrieved by the determination of the damages
awarded to owners of property or interest in the property under
50 this section may, within 60 days after service of the
condemnation order and check, appeal to the Superior Court of

2 York County. The court shall determine damages by a verdict of
its jury or, if all parties agree, by the court without a jury or
4 by a referee or referees and shall render judgment for just
compensation, with interest when interest is due, and for costs
6 in favor of the party entitled to costs. Appeal from the
decision of the Superior Court may be had to the Law Court as in
other civil actions.

8
Sec. 7. Emergency clause; referendum; effective date. In view of
10 the emergency cited in the preamble, this Act takes effect when
approved only for the purpose of permitting its submission to the
12 legal voters within the territory described in section 1 of this
Act at an election called for that purpose and held by December
14 31, 2000. The election must be called, advertised and conducted
according to the law relating to municipal elections, except that
16 the registrar of voters is not required to prepare or the clerk
to post a new list of voters. For the purpose of registration of
18 voters, the registrar of voters must be in session the secular
day preceding the election. The subject matter of this Act is
20 reduced to the following question:

22 "Do you favor creating the Alfred Water District?"

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

26 The results must be declared by the municipal officers of
28 the Town of Alfred and due certificate of the results filed by
the clerk with the Secretary of State.

30 This Act takes effect for all purposes immediately upon its
32 approval by a majority of the legal voters voting at the
election. Failure to achieve the necessary approval in any
34 referendum does not prohibit subsequent referenda consistent with
this section, provided the referenda are held prior to July 1,
36 2001.

38
40

SUMMARY

This bill creates the Alfred Water District.