

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1735

H.P. 1275

House of Representatives, March 22, 2001

An Act to Amend the Charter of the Vinalhaven 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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative VOLENIK of Brooklin.

Cosponsored by Representatives: McGLOCKLIN of Embden, SAVAGE of Buxton.

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 the inhabitants of
Vinalhaven; 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. P&SL 1977, c. 99, §§1 and 2** are repealed and the
18 following enacted in their place:

20 **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine
Revised Statutes, Title 35-A, section 6403, subsection 1,
22 paragraph B and subject to section 10 of this Act, that part of
the Town of Vinalhaven known as of March 1, 2001 as the Village
24 Overlay District, which includes all lots contained in Tax Maps
17, 18, 22 and 23; Map 19, Lots 5, 6, 7, 8, 9, 10, 11, 12, 12A,
26 13, 14, 15, 16, 18, 19, 20 and 21; Map 21, Lots 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31;
28 and Map 24, Lots 1, 2, 2A, 3, 4, 5, 12, 13, 14, 15, 16, 17, 18,
19, 20, 21, 22, 23, 23A, 23B and 24, and the reservoirs and their
30 watersheds, including all land and watersheds around Round Pond,
designated as Tax Map 9, Lots 6, 7, 9, 10 and 11, and Folly Pond,
32 designated as Tax Map 6, Lots 51, 56 and 57, and its inhabitants
constitute a standard water district under the name "Vinalhaven
34 Standard Water District," referred to in this Act as the
"district."

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

42 **Sec. 2. P&SL 1977, c. 99, §4** is repealed and the following
enacted in its place:

44 **Sec. 4. Power to take water.** The district is authorized to
46 take, hold, divert, use and distribute water from any lake or
pond in the Town of Vinalhaven and from any well, surfaced or
48 underground brook, stream, spring or vein of water in the town.
The authority to supply the inhabitants of the town who are not
50 within the district is subject to the discretion of the board of
trustees.

2 **Sec. 3. P&SL 1977, c. 99, §7** is repealed and the following
enacted in its place:

4 **Sec. 7. Number of trustees; terms.** The board of trustees of the
6 district is composed of 3 trustees. A trustee must be a resident
of the district and reside in a household to which the district's
8 service is provided. Trustees are elected to 3-year terms in
accordance with the Maine Revised Statutes, Title 35-A, section
10 6410, subsection 1.

12 **Sec. 4. P&SL 1977, c. 99, §8, 5th ¶** is repealed and the following
enacted in its place:

14 Notwithstanding the Maine Revised Statutes, Title 35-A,
16 section 6410, subsection 7, the compensation of the trustees and
the treasurer of the board of trustees is determined by the board
18 of trustees.

20 **Sec. 5. P&SL 1977, c. 99, §12**, as amended by P&SL 1997, c. 42,
§§1 and 2 and affected by §3, is repealed and the following
22 enacted in its place:

24 **Sec. 12. Debt limit.** For accomplishing the purposes of this
Act, and for any other expenses that may be necessary for the
26 carrying out of those purposes, the district, through its
trustees, is authorized to borrow money temporarily and to issue
for the money its negotiable notes; and for the purpose of
28 renewing and refunding the indebtedness created, of paying any
necessary expenses and liabilities incurred under the provisions
of this Act, including organizational and other necessary
30 expenses and liabilities, whether incurred by the district or the
municipality, the district being authorized to reimburse the
32 municipality for any such expenses incurred by it, and in
acquiring properties, paying damages, laying pipes, mains,
34 aqueducts and conduits, constructing, maintaining and operating a
water plant or system and making renewals, additions, extensions
36 and improvements to the same, and to cover interest payments
during the period of construction, the district, through its
38 trustees, is also authorized to issue, from time to time, bonds,
notes or other evidences of indebtedness of the district in one
40 series or in separate series and to make subsequent renewals of
the bonds, notes or other evidences of indebtedness, the amount
42 or amounts, not exceeding the sum of \$1,500,000 outstanding at
any one time, bearing interest at such rate or rates, and having
44 such terms and provisions as the trustees determine; except that,
in the case of a vote by the trustees to authorize bonds or notes
46 to pay for the acquisition of property, for the cost of a water
system or part of a water system, for renewal or additions or for
48 other improvements in the nature of capital costs, the estimated
50

2 cost of which, singly or in the aggregate included in any one
3 financing is \$30,000 or more, or for renewing or refunding
4 existing indebtedness, notice of the proposed debt and of the
5 general purpose or purposes for which it was authorized must be
6 given by the clerk by publication at least once in a newspaper
7 having a general circulation in the Town of Vinalhaven.

8 Notwithstanding any other provision of this section, the
9 district, through its trustees, may issue bonds, notes or other
10 evidences of indebtedness in amounts exceeding \$1,500,000 at any
11 one time if a greater debt limit is established by referendum in
12 accordance with the Maine Revised Statutes, Title 35-A, section
13 6413. The district may not have outstanding at any one time
14 bonds, notes or other evidences of indebtedness in amounts
15 exceeding any debt limit established by referendum in accordance
16 with Title 35-A, section 6413.

17 **Sec. 6. Transition; trustees in office.** Trustees of the Vinalhaven
18 Water District in office on the effective date of this Act may
19 continue in office for the remainder of their terms. When the
20 term of office of a trustee expires, that trustee's successor is
21 appointed in accordance with Private and Special Law 1977,
22 chapter 99, section 7.

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

28 SUMMARY

29 This bill amends the charter of the Vinalhaven Water
30 District.
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