

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1212

H.P. 886

House of Representatives, March 6, 2003

An Act To Create the Bayside Utilities District

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ASH of Belfast.
Cosponsored by Senator HATCH of Somerset and
Representatives: BERRY of Belmont, BLANCHETTE of Bangor, COLLINS of Wells,
GERZOFKY of Brunswick, HATCH of Skowhegan, LESSARD of Topsham, PELLON of
Machias, TWOMEY of Biddeford.

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

2

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Northport described as follows:

6

8 Beginning on the shore of the west side of Penobscot Bay at
10 a point marking the southerly line of the property identified on
12 the Town of Northport tax map U-9 as lot 2; thence southwesterly
14 in a straight line to the intersection of U.S. Route 1 and the
16 Pound Hill Road; thence northwesterly in a straight line to the
18 intersection of the Rocky Road and the Bog Road; thence
20 southwesterly by the center of the Bog Road 500 feet; thence
northwesterly following a line 500 feet west of Rocky Road to the
Belfast town line; thence following the town boundaries to the
shore of the west side of Penobscot Bay; thence northeasterly,
southeasterly and southerly by said bay to point of beginning and
its inhabitants constitute a standard district under the name
Bayside Utilities District, referred to in this Act as "the
district."

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

26

28 **Sec. 3. Authority to purchase water.** Notwithstanding the Maine
Revised Statutes, Title 35-A, section 6404, the district is
authorized to purchase water from the Belfast Water District.

30

32 **Sec. 4. Additional powers.** The district is authorized to
provide water and sewage treatment and collection systems for
public purposes and for the health, comfort and convenience of
34 the inhabitants of the district.

36 **Sec. 5. Power to take water and sewer.** The district is
authorized to take, hold, use and distribute water and sewage
38 from the Northport Village Corporation.

40 **Sec. 6. Number of trustees.** The board of trustees of the
district is composed of 5 trustees, 4 must be Northport Village
42 Corporation eligible voters as defined in Private and Special Law
1915, chapter 136, section 12 and one must be a trustee at large
44 who is a utility user of the district.

46 **Sec. 7. Election of first board.** The first board is elected in an
election called by the municipal officers of the Town of
48 Northport and the municipal officers of the Northport Village
Corporation within 6 months of approval of this Act by the voters
50 in accordance with this Act. The terms of the first

board are governed by the Maine Revised Statutes, Title 35-A,
section 6410.

Sec. 8. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms. Terms are staggered and no trustee may serve more than 4 3-year terms consecutively.

Sec. 9. Authorized to acquire property and franchises of Northport Village Corporation. The district, through its trustees, shall acquire by purchase in accordance with this section the plants, properties, franchises, rights and privileges owned by the Northport Village Corporation, including all lands, buildings, waters, water rights, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or usable in supplying water in the area of the district and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters.

The Northport Village Corporation existing pursuant to Private and Special Law 1915, chapter 136 shall sell, transfer and convey to the district by appropriate instruments of conveyance all, and not less than all, of their plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, and all sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters in consideration of the assumption by the district of all of the outstanding water-related and sewer-related debts, obligations and liabilities of the Northport Village Corporation, including, without limitation, the assumption of any outstanding water-related and sewer-related notes or bonds of the Northport Village Corporation that are due on or after the date of transfer.

The sale and transfer by the Northport Village Corporation to the district of its plants, properties, assets, franchises, rights and privileges; the assumption by the district of all of the outstanding debts, obligations and liabilities of the district pursuant to this section; and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the

2 approval of the Public Utilities Commission as may be required by
the Maine Revised Statutes, Title 35-A, Part 1.

4 **Sec. 10. Continuation of Northport Village Corporation.** Nothing
in this Act is intended to alter or affect or may be interpreted
6 as altering or affecting the Northport Village Corporation
Charter.

8
10 **Sec. 11. Referendum; effective date.** This Act takes effect when
approved only for the purpose of permitting its submission to the
eligible voters of the Northport Village Corporation at its
12 annual meeting and to the legal voters within the territory
described in section 1 of this Act at elections called for that
14 purpose and held within one year of the effective date of this
Act. The elections must be called, advertised and conducted
16 according to the law relating to municipal elections, except that
the registrar of voters is not required to prepare or the clerk
18 to post a new list of voters. For the purpose of registration of
voters, the registrar of voters must be in session the secular
20 day preceding the election. The subject matter of this Act is
reduced to the following questions. The question to be submitted
22 to the eligible voters of the Northport Village Corporation must
read as follows:

24
26 "Do you favor permitting the Bayside Utilities District to
acquire the water-related and sewer-related assets of the
Northport Village Corporation?"

28
30 The question to be submitted to the legal voters within the
district must read as follows:

32 "Do you favor creating the Bayside Utilities District?"

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

36
38 The results must be declared by the municipal officers of
the Town of Northport and due certificate of the results filed by
the clerk with the Secretary of State.

40
42 This Act takes effect for all purposes immediately upon its
approval by a majority of the eligible voters of the Northport
Village Corporation at its annual meeting and by a majority of
44 the legal voters voting at the election. Failure to achieve the
necessary approval in any referendum does not prohibit subsequent
46 referenda consistent with this section, provided the referenda
are held prior to January 1, 2005.

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SUMMARY

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4 This bill creates the Bayside Utilities District and allows
the Northport Village Corporation to convey its water-related and
sewer-related assets to the Bayside Utilities District.