

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1608

H.P. 1182

House of Representatives, May 7, 2003

An Act To Amend the Charter of the Baileyville Utilities 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 PERRY of Calais.

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

4
6 **Whereas,** the Baileyville Utilities District and the Town of
Baileyville wish to enter into a contract for the management,
oversight and billing related to the functions of the sewer
8 department; and

10 **Whereas,** it is vital that this be done immediately for the
benefit of the people of the town; and

12
14 **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
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

22 **Sec. 1. P&SL 1975, c. 79, §2** is amended by adding at the end 2
new paragraphs to read:

24 The district is authorized to contract with the Town of
Baileyville for the management, oversight and billing related to
26 the functions of the Town of Baileyville sewer department. The
district and the town shall set reasonable charges, as the
28 parties agree, for performing these management services on behalf
of the sewer department of the town.

30
32 The district is authorized to take over, control, manage and
operate the sewers owned by the Town of Baileyville with all
34 appurtenances to the sewers to extend, increase, enlarge and
improve the drains and sewers; to extend the present system or
36 systems so as to furnish sewerage facilities to portions of the
town not now served with such facilities; to provide for surface
38 drainage as well as removal of sewage and to provide for
treatment of sewage in whole or in part before discharging it
40 into rivers if such treatment becomes necessary; and generally to
provide a system of sanitary sewerage and storm water drainage
42 for public purposes and for the health and comfort and
convenience of the inhabitants of the district.

44 **Sec. 2. P&SL 1975, c. 79, §3, first ¶** is amended to read:

46 **Sec. 3. Eminent domain.** The said district, for the purposes
of its incorporation, is hereby authorized to take and hold
48 within the area covered by the district as for public uses, real
estate and personal estate and any interest therein in real
50 estate and personal estate necessary for such purposes, by

2 purchase, lease or otherwise, and is hereby authorized to
3 exercise the right of eminent domain as herein-after provided in
4 this Act, to acquire for such purposes any lands or interest
5 therein in lands or water rights necessary for erecting and
6 maintaining dams, plants and works for flowage, for pumping, for
7 supplying water through its mains, for reservoirs, for preserving
8 the purity of the water and watershed, for laying and maintaining
9 mains, aqueducts, electric pole lines and other structures for
10 taking, distributing, discharging and disposing of water, sewage
11 and electricity, for forming basins and reservoirs and electric
12 pole lines, for erection of buildings for pumping works for use
13 therein in the buildings, for laying pipes and maintaining same,
14 and for laying and maintaining conduits for carrying, collecting
15 and discharging water, for generating, filtering, rectifying and
16 treating plants, works and facilities, for such other objects
17 necessary, convenient and proper for the purposes of its
18 incorporation and for rights-of-way or roadways to its sources of
19 supply, dams, reservoirs, mains, aqueducts, structures, plants,
20 works facilities, generation, transmission and distribution
facilities and lands.

22 **Sec. 3. P&SL 1975, c. 79, §8** is amended to read:

24 **Sec. 8. District and town authorized to make contracts.** Said The
25 district, through its trustees, is authorized to contract with
26 persons and corporations, including said the Town of Baileyville,
27 and said the Town of Baileyville is authorized to contract with
28 it the district for the supply of water and electricity for
29 municipal purposes. Said The Town of Baileyville by vote of its
30 town council is authorized to loan said the district an amount
31 not exceeding \$40,000 to be used for engineering, accounting and
32 legal expenses in connection with the organization of the
33 district, acquiring of the assets of Woodland Water and Electric
34 Company and studies and reports in connection ~~therewith~~ with the
35 acquisition. Said The loan or loans shall must be repaid by the
36 district from its initial long-term financing. The district and
37 the town are authorized to make contracts that are necessary to
38 accomplish the purposes set forth in section 2, and the district
39 shall receive an appropriate fee for services rendered under that
40 contract.

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

46 SUMMARY

48 The Baileyville Utilities District is currently empowered to
49 operate only water and electric utilities within the Town of
50 Baileyville. The district and the Town of Baileyville seek to

2 empower the district to also assume the role of managing the
town's sewer department, currently owned by the town but managed
4 by an outside independent contractor. This bill allows the
district to acquire the sewer improvements if the town and
6 district determine that this arrangement will better serve the 2
entities and the residents.

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