

MAINE STATE LEGISLATURE

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L.D. 1672

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1248, L.D. 1672, Bill, "An Act To Amend the Charter of the Dover and Foxcroft Water District"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning the Charter of the Dover and Foxcroft Water District'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

PART A

Sec. A-1. P&SL 1985, c. 107, Pt. B, §2-A is enacted to read:

Sec. 2-A. Particular rights and franchise. The district has all the rights, privileges, franchise and property of the former Dover and Foxcroft Village Fire Company the same as though originally granted or conveyed to the district, and all liabilities and obligations of the former Dover and Foxcroft Village Fire Company are the liabilities and obligations of the district, the same as if incurred by the district, and all suits brought by or against the company must be in the name of the district whether the cause of action accrued before or after the change of the name of the Dover and Foxcroft Village Fire Company to the Dover and Foxcroft Water District pursuant to Private and Special Law 1903, chapter 11.

2 **Sec. A-2. P&SL 1985, c. 107, Pt. B, §3** is repealed.

4 **Sec. A-3. P&SL 1985, c. 107, Pt. B, §3-A** is enacted to read:

6 **Sec. 3-A. Territorial limits; corporate name.** That part of the
8 Town of Dover-Foxcroft described as follows: beginning at the
10 point of intersection of 45 degrees, 12 minutes, 30 seconds north
12 latitude and 69 degrees, 11 minutes, 26 seconds west longitude;
14 thence due south to 45 degrees, 11 minutes, 29 seconds north
16 latitude; thence due west to 69 degrees, 12 minutes, 12 seconds
18 west longitude; thence south to 45 degrees, 10 minutes, 30
20 seconds north latitude; thence west to 69 degrees, 16 minutes, 00
 seconds west longitude; thence north to 45 degrees, 11 minutes,
 28 seconds north latitude; thence west 69 degrees, 18 minutes, 18
 seconds west longitude; thence north to 45 degrees, 12 minutes,
 00 seconds north latitude; thence east to 69 degrees, 13 minutes,
 45 seconds west longitude; thence north to 45 degrees, 12
 minutes, 30 seconds north longitude; thence east to the point of
 the beginning; and its inhabitants constitute a standard water
 district under the name "Dover and Foxcroft Water District,"
 referred to in this Act as "the district."

22 **Sec. A-4. P&SL 1985, c. 107, Pt. B, §5-A** is enacted to read:

24 **Sec. 5-A. Powers; authority; duties.** Except as otherwise
26 specifically provided in this Act, the district has all the
28 powers and authority and is subject to all requirements and
30 restrictions provided in the Maine Revised Statutes, Title 35-A,
 chapter 64.

32 **Sec. A-5. P&SL 1985, c. 107, Pt. B, §6,** as amended by P&SL 1999,
 c. 27, §§3 and 4 and affected by §9, is repealed.

34 **Sec. A-6. P&SL 1985, c. 107, Pt. B, §6-A** is enacted to read:

36 **Sec. 6-A. Trustees.** The board of trustees of the district is
38 composed of 5 trustees, elected in accordance with the Maine
40 Revised Statutes, Title 35-A, section 6410. A trustee must be a
 resident of the Town of Dover-Foxcroft.

42 Notwithstanding Title 35-A, section 6410, subsection 7, the
44 trustees are entitled to compensation for their services as
 determined by the trustees.

46 **Sec. A-7. P&SL 1985, c. 107, Pt. B, §7,** as amended by P&SL 1999,
 c. 27, §5 and affected by §9, is repealed.

48 **Sec. A-8. P&SL 1985, c. 107, Pt. B, §8,** as amended by P&SL 1999,
50 c. 27, §6 and affected by §9, is repealed.

2 **Sec. A-9. P&SL 1985, c. 107, Pt. B, §§10, 11 and 12** are repealed.

4 **Sec. A-10. P&SL 1985, c. 107, Pt. B, §§12-A and 12-B** are enacted
to read:

6 **Sec. 12-A. Refinancing authorized.** For the purpose of
7 financing certain capital improvements to the district's water
8 system, the board of trustees of the district, without a district
9 vote or the provision of notice to the voters or ratepayers of
10 the district or the holding of a special district meeting for the
11 purpose of collecting testimony from the public concerning the
12 purpose and amount of debt authorized, may issue and sell to the
13 Maine Municipal Bond Bank revenue bonds or notes of the district
14 for the purpose of refinancing certain revenue bonds dated June
15 28, 1988, in the aggregate principal amount of \$2,115,500, that
16 were issued to the United States of America acting through the
17 Farmers Home Administration. The bonds authorized by this Act
18 are payable over a term not to exceed the term remaining on the
19 bonds dated June 28, 1988 and must be signed by the treasurer of
20 the Dover and Foxcroft Water District and countersigned by the
21 chair of the district board of trustees. The district may sell
22 the bonds authorized by this Act to the Maine Municipal Bond Bank
23 upon such terms and conditions as the board of trustees of the
24 district and the Maine Municipal Bond Bank may approve.

26 **Sec. 12-B. Issuance of debt; debt limit.** In addition to the
27 authority granted under section 12-A, the district may issue debt
28 in accordance with Title 35-A, chapter 64. The board of trustees
29 may not issue any bond, note or other evidence of indebtedness
30 payable within a period of more than 12 months after the date of
31 issuance, excluding debt authorized under section 12-A, unless
32 the total amount of such debt issued by the board is no more than
33 \$1,500,000.

34 The district may amend the debt limit established in this
35 section in accordance with the provisions of the Maine Revised
36 Statutes, Title 35-A, section 6413.

37 The district is subject to the provisions of Title 35-A,
38 section 6310.

40 **Sec. A-11. P&SL 1985, c. 107, Pt. B, §13** is repealed.

42 **Sec. A-12. P&SL 1985, c. 107, Pt. B, §13-A** is enacted to read:

44 **Sec. 13-A. Pratt's rips.** In addition to the authority granted
45 under the Maine Revised Statutes, Title 35-A, chapter 64, the
46 district is authorized to sell or lease for manufacturing
47 purposes any real estate owned by the district.

2 purposes any power on the district's dam at Pratt's rips,
3 so-called, at the district's pumping station not used by the
4 district for supplying water for the district's water works
5 system, as long as the sale or lease is subject to a reservation
6 of sufficient power for the district's present or future needs in
7 supplying water to the district's water system and any extension
8 of the water system.

9 **Sec. A-13. P&SL 1985, c. 107, Pt. B, §14** is repealed.

10 **Sec. A-14. P&SL 1985, c. 107, Pt. B, §§14-A and 14-B** are enacted
11 to read:

12 **Sec. 14-A. Water rights; eminent domain.** In addition to the
13 authority granted under the Maine Revised Statutes, Title 35-A,
14 chapter 64, the district is authorized, for the purposes
15 mentioned in this charter, to take and hold sufficient water from
16 Garland Pond, situated in Dover-Foxcroft and the Town of Sebec,
17 in the county of Piscataquis, and may raise the waters of the
18 pond by a dam at the outlet of the pond to such a height as the
19 district may determine expedient; the district may take and hold
20 by purchase or otherwise any land or real estate necessary for
21 erecting dams, and flowage caused by any dams, power, reservoirs
22 or for preserving the purity of the water and watersheds, and for
23 maintaining a way or ways from the public highways to the pond,
24 and for laying and maintaining aqueducts for conducting,
25 discharging, distributing and disposing of water.

26 Nothing in this section or section 13-A or 14-B exempts the
27 district from otherwise applicable laws or rules, including, but
28 not limited to, laws relating to the erection or removal of dams,
29 the establishment of water levels, the sale of water power or the
30 exercise of eminent domain.

31 **Sec. 14-B. Power to take water.** In addition to the authority
32 granted under the Maine Revised Statutes, Title 35-A, chapter 64,
33 the district is authorized to take, hold, divert, use and
34 distribute water from Salmon Stream Pond situated in the Town of
35 Guilford.

36 **Sec. A-15. P&SL 1985, c. 107, Pt. B, §§15 and 16** are repealed.

37 **Sec. A-16. P&SL 1985, c. 107, Pt. B, §16-A** is enacted to read:

38 **Sec. 16-A. Miscellaneous provisions; bylaws.** The board of
39 trustees may adopt bylaws as necessary for their own convenience
40 and the proper management of the affairs of the district. This
41 Act does not annul the existing bylaws and ordinances of the
42

district in effect as of the effective date of this section, and those laws and ordinances remain in force until altered, amended or repealed except where in direct conflict with any provision of this Act.

Sec. A-17. P&SL 1985, c. 107, Pt. B, §17 is repealed.

PART B

Sec. B-1. Purpose. This Act is intended to update the charter of the Dover and Foxcroft Water District, to reorganize provisions for clarity and generally to conform the charter to the model standard water district charter that appears in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. B-2. Existing trustees. The trustees of the Dover and Foxcroft Water District holding office on the effective date of this Act hold office as trustees for the terms for which they were elected, and as each term expires one trustee must be elected by the registered voters of the district at the next annual meeting of the district to serve for a term of 3 years. The additional 2 trustees must be elected at the next annual meeting, one for a term of 2 years and one for a term of 3 years. If a vacancy arises, it must be filled for the remainder of the unexpired term.'

SUMMARY

This amendment replaces the bill. The amendment is substantively the same as the bill with the exception that it modifies and clarifies the description of the district territory, clarifies the debt limit language, removes the authority granted to the district in the bill to take water from sources outside the district but within the Town of Dover-Foxcroft and makes it expressly clear that certain special water rights of the district do not exempt the district from otherwise applicable laws and rules, such as laws governing dams and water levels. The amendment unifies those portions of the district's charter that the bill seeks to preserve with the several new provisions, thus consolidating in one document all the provisions of the charter.

The amendment:

1. Generally makes the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;

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2 Preserves the following provisions of the current
3 charter: provisions granting the district the franchise, property
4 and rights of the Dover and Foxcroft Village Fire Company, which
5 became the water district in 1903; provisions granting the
6 district's rights to sell for manufacturing purposes power on its
7 dam at Pratt's rips; provisions granting the district rights to
8 take water from Garland Pond and to regulate the dam on it; and
9 provisions relating to the district's authorization to refinance
10 some debt through the Maine Municipal Bond Bank;

11 3. Changes some provisions of the existing charter: removes
12 the authority to create a pond by damming Meadow Brook; increases
13 the number of trustees from 3 to 5; expands the territory of the
14 district within the town to include the existing service
15 territory, to accommodate a possible mill expansion and to
16 include an area for a proposed standpipe; and sets the district's
17 debt limit at \$1,500,000 and allows the district to hold a
18 referendum if it wishes to establish a higher debt limit; and

19 4. Authorizes the district to take water from Salmon Stream
20 Pond. Since 1926, the district has been using water from that
21 pond as its water source.
22