

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1672

H.P. 1248

House of Representatives, December 19, 2003

An Act To Amend the Charter of the Dover and Foxcroft Water District

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ANNIS of Dover-Foxcroft.
Cosponsored by Senator: DAVIS of Piscataquis.

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,** this legislation increases the number of trustees
of the Dover and Foxcroft Water District from 3 to 5; and

8 **Whereas,** the trustees are to be elected at the district's
annual meeting, which is held in February; and

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

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

18 **Sec. 1. P&SL 1985, c. 107, Pt. B, §3** is repealed and the
20 following enacted in its place:

22 **Sec. 3. Territorial limits; corporate name.** Pursuant to the Maine
Revised Statutes, Title 35-A, section 6403, subsection 1,
24 paragraph B, that part of the Town of Dover-Foxcroft described as
follows: beginning at the point of intersection of 45 degrees,
26 12 minutes, 30 seconds north latitude and 69 degrees, 11 minutes,
26 26 seconds west longitude; thence due south to 45 degrees, 11
28 minutes, 29 seconds north latitude; thence due west to 69
degrees, 12 minutes, 12 seconds west longitude; thence south to
30 45 degrees, 10 minutes, 30 seconds north latitude; thence west to
69 degrees, 16 minutes, 00 seconds west longitude; thence north
32 to 45 degrees, 12 minutes, 01 seconds north latitude; thence east
to 69 degrees, 13 minutes, 45 seconds west longitude; thence
34 north to 45 degrees, 12 minutes, 30 seconds north latitude;
thence west to the point of beginning; and its inhabitants
36 constitutes a standard water district under the name "Dover and
Foxcroft Water District," referred to in this Act as "the
38 district."

40 **Sec. 2. 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.

42 **Sec. 3. P&SL 1985, c. 107, Pt. B, §6-A** is enacted to read:

44 **Sec. 6-A. Trustees.** The board of trustees of the district is
46 composed of 5 trustees. A trustee must be a resident of
Dover-Foxcroft. The trustees holding office on the effective
48 date of this subsection hold office as trustees for the terms for
which they were elected, and as each term expires one trustee
50 must be elected by the registered voters of the district at the

2 next annual meeting of the district to serve for a term of 3
4 years. The additional 2 trustees must be elected at the next
6 annual meeting, one for a term of 2 years and one for a term of 3
8 years. If a vacancy arises, it must be filled for the remainder
10 of the unexpired term. The trustees are entitled to compensation
12 for their services as determined by the trustees. The trustees
14 may also adopt bylaws as necessary for their own convenience and
16 the proper management of the affairs of the district and may
18 procure an office and incur expenses as necessary.

20 **Sec. 4. P&SL 1985, c. 107, Pt. B, §§11 and 12** are repealed.

22 **Sec. 5. P&SL 1985, c. 107, Pt. B, §14, sub-§1** is repealed and the
24 following enacted in its place:

26 **1. Purchase or lease.** The district may take and hold an
28 interest in real estate or personal estate by purchase, lease or
30 other lawful means.

32 **Sec. 6. P&SL 1985, c. 107, Pt. B, §15** is repealed.

34 **Sec. 7. P&SL 1985, c. 107, Pt. B, §§18 and 19** are enacted to read:

36 **Sec. 18. Powers; authority; duties.** Except as otherwise
38 specifically provided in this Act, the district has all the
40 powers and authority and is subject to all requirements and
42 restrictions provided in the Maine Revised Statutes, Title 35-A,
44 section 6310; sections 6404 to 6409; section 6410, subsections 5
46 and 9; section 6411; section 6412; and sections 6414 to 6416.

48 **Sec. 19. Power to take water.** The district is authorized to
take, hold, divert, use and distribute water from Salmon Stream
Pond situated in the Town of Guilford and Garland Pond situated
in the towns of Dover-Foxcroft and Sebec and from any well,
surface or underground brook, stream, spring or vein of water in
Dover-Foxcroft.

Sec. 8. Transition; trustees in office. Trustees of the Dover and
Foxcroft Water District in office on the effective date of this
Act may continue in office for the remainder of their terms.
When the term of office of a trustee expires, that trustee's
successor is elected in accordance with Private and Special Law
1985, chapter 107, Part B, section 6-A.

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

SUMMARY

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4 The bill amends the territory of the Dover and Foxcroft
of trustees of the Dover and Foxcroft Water District from 3
6 trustees to 5 trustees.