MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1935

S.P. 770

In Senate, March 18, 2004

An Act To Create the Starboard 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.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SHOREY of Washington.

Cosponsored by Representative BUNKER of Kossuth Township and

Senator: HALL of Lincoln, Representatives: GOODWIN of Pembroke, PELLON of Machias.

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

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Whereas, water in the Town of Machiasport has been contaminated from a former radar transmission station and this poses a serious threat to the health and well-being of the inhabitants in the area; and

Whereas, an adequate supply of water is essential to the health and well-being of the inhabitants of the Town of Machiasport; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

- Sec. 1. Territorial limits; corporate name. Pursuant to the Maine 22 Revised Statutes, Title 35-A, chapter 64, that part of the Town Machiasport described as follows: Beginning 24 intersection of the Kennebec Road and the Machias Road; thence southwest along the Kennebec Road to the intersection of Meadow 26 Brook; thence south along Meadow Brook into the Little Kennebec Bay; thence south along the coastline of Little Kennebec Bay to 28 the Point of Maine; thence north along the coastline of Machias 30 Bay to the intersection of Sanborn Cove and Machias Road; thence north along the Machias Road to the point of beginning; and its inhabitants constitute a standard district under the 32 "Starboard Water District," referred to in this Act as "the district." 34
 - Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

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Sec. 3. Power to take water. For purposes of its incorporation, the district is authorized to take water from any source in the Town of Machiasport.

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Sec. 4. Number of trustees. The board of trustees of the district is composed of 5 trustees. Two trustees may be residents of the district who do not use the district's services and, notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, 3 trustees must use the district's services but need not be residents of the district.

- Sec. 5. Election of first board. The first board is elected in a election called by the municipal officers of the Town of Machiasport within 6 months of approval of this Act by the voters in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.
 - Sec. 6. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms.

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- Sec. 7. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act at an election called for that purpose and held by July 1, 2005. The election must be called by the municipal officers of the town and be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:
- "Do you favor creating the Starboard Standard Water District?"

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- The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.
- 32 The results must be declared by the municipal officers of the Town of Machiasport and due certificate of the results filed 34 by the clerk with the Secretary of State.
 - This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 2005.

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44 SUMMARY

46 This bill creates the Starboard Standard Water District.