

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2078

H.P. 1470

House of Representatives, March 20, 2006

An Act To Establish the Island Falls Water District

(AFTER DEADLINE)

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 JOY of Crystal.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, SHERMAN of Hodgdon,
Senators: CLUKEY of Aroostook, DAVIS of Piscataquis.

1 **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
3 Statutes, Title 35-A, chapter 64, the inhabitants and that part of the Town of Island Falls
4 constitute a standard district under the name Island Falls Water District, referred to in this
5 Act as "the district," described as follows:

6 Beginning at a point 46° 0'2.23"N, 68° 16'3.53"W; thence in a northwesterly
7 direction to a point 46° 1'0.93"N, 68° 16'53.87"W; thence in a northeasterly
8 direction to a point 46° 1'11.92"N, 68° 16'34.27"W; thence in a southeasterly
9 direction to a point 46° 0'45.61"N, 68° 15'38.34"W; thence continuing in a
10 southeasterly direction to a point 46° 0'41.58"N, 68° 15'19.55"W; thence in a
11 northeasterly direction to a point 46° 1'1.11"N, 68° 15'0.62"W; thence in a
12 southeasterly direction to a point 46° 0'48.72"N, 68° 14'42.68"W; thence in a
13 southwesterly direction to the point of beginning.

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

17 **Sec. 3. Power to take water.** The district is authorized to take, to hold and to
18 convey within the Town of Island Falls and from any part of the town water from any
19 surface water or groundwater source within the town.

20 **Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3
21 trustees. A trustee must be a resident of the district.

22 **Sec. 5. First board.** The first board of trustees of the district is appointed by the
23 municipal officers of the Town of Island Falls. The terms of the first board are governed
24 by the Maine Revised Statutes, Title 35-A, section 6410.

25 **Sec. 6. Terms of trustees.** After the appointment of the first board of trustees of
26 the district, trustees are elected to 3-year terms.

27 **Sec. 7. Acquisition of property of Island Falls Water Department.** The
28 district, through its trustees, may acquire by purchase the plants, properties, assets,
29 franchises, rights and privileges owned by the Island Falls Water Department, including,
30 without limitation, all lands, waters, water rights, reservoirs, pipes, machinery, fixtures,
31 hydrants, tools, treatment systems, treatment facilities and pump stations and all
32 apparatus and appliances used or usable in supplying water within the district.

33 **Sec. 8. Assumption of debts.** On the date of purchase of the property of the
34 Island Falls Water Department by the district pursuant to section 7, the district shall
35 assume all of the outstanding debts, obligations and liabilities of the department,
36 including, without limitation, the assumption by the district of any outstanding notes or
37 bonds of the department that are due on or after the date of purchase. If the debt,
38 obligations, liabilities, notes or bonds are not assumable, then the district shall otherwise
39 be obligated for their repayment.

40 **Sec. 9. Transfer of contracts, permits and licenses.** All contracts between the
41 Island Falls Water Department and any person, firm or corporation that are in effect on

1 the date of purchase pursuant to section 7 are assumed and must be carried out by the
2 district. All permits and licenses held by the department that are in effect on the date of
3 purchase pursuant to section 7 are assumed by the district.

4 **Sec. 10. Approval of Public Utilities Commission.** The sale and transfer by
5 the Island Falls Water Department to the district of its plants, properties, assets,
6 franchises, rights and privileges and the assumption by the district of the department's
7 outstanding debts, obligations and liabilities and the subsequent use of the plants,
8 properties, assets, franchises, rights and privileges by the district within the limits of the
9 district are subject to the approval of the Public Utilities Commission under the Maine
10 Revised Statutes, Title 35-A, Part 1.

11 **Sec. 11. Referendum; effective date.** This Act takes effect when approved only
12 for the purpose of permitting its submission to the legal voters within the territory
13 described in section 1 of this Act at an election called for that purpose and held within 2
14 years of the effective date of this Act. The election must be called, advertised and
15 conducted according to the law relating to municipal elections, except that the registrar of
16 voters is not required to prepare or the clerk to post a new list of voters. For the purpose
17 of registration of voters, the registrar of voters must be in session the secular day
18 preceding the election. The subject matter of this Act is reduced to the following
19 question:

20 "Do you favor creating the Island Falls Water District and permitting it to
21 acquire assets of the Island Falls Water Department?"

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

24 The results must be declared by the municipal officers of the Town of Island Falls
25 and due certificate of the results filed by the clerk with the Secretary of State.

26 This Act takes effect for all other purposes immediately upon its approval by a
27 majority of the legal voters voting at the election. Failure to achieve the necessary
28 approval in any referendum does not prohibit subsequent referenda consistent with this
29 section, provided the referenda are held within 2 years of the effective date of this Act.

30 **SUMMARY**

31 This bill establishes the Island Falls Water District.