

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1303

H.P. 921

House of Representatives, March 9, 2007

### An Act To Establish the Columbia Falls Village Water District

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TIBBETTS of Columbia.

Cosponsored by Representatives: EDGECOMB of Caribou, EMERY of Cutler.

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, that part of the Town of Columbia Falls described as  
4 follows: beginning at a point 2,500 feet south of the intersection of Main Street and Point  
5 Street; thence westerly 250 feet; thence northerly to the center line of Main Street; thence  
6 northeasterly along the center line of Main Street to the brook; thence northerly along the  
7 brook to Pleasant River; thence following the Pleasant River to a point due east of the  
8 point of beginning; thence due west to the point of beginning; and its inhabitants  
9 constitute a standard water district under the name of Columbia Falls Village Water  
10 District, referred to in this Act as "the district."

11 **Sec. 2. Powers; authority; duties.** The district has all the powers and authority  
12 and is subject to all the requirements and restrictions provided in the Maine Revised  
13 Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

14 **Sec. 3. Power to take water.** For purposes of its incorporation, the district is  
15 authorized to use the water on property owned by the district and has the authority to  
16 negotiate for water outside the district but within the Town of Columbia Falls.

17 **Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3  
18 trustees. Trustees must be residents within the district.

19 **Sec. 5. Election of first board.** The first board of trustees of the district is  
20 appointed by the municipal officers of the Town of Columbia Falls. The terms of the first  
21 board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

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

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

30 **Sec. 8. Assumption of debts.** On the date of purchase of the property of the  
31 Allen Water Company by the district pursuant to section 7, the district shall assume all of  
32 the outstanding debts, obligations and liabilities of the company, including, without  
33 limitation, the assumption by the district of any outstanding notes or bonds of the  
34 company that are due on or after the date of purchase. If the debt, obligations, liabilities,  
35 notes or bonds are not assumable, then the district is otherwise obligated for their  
36 repayment.

37 **Sec. 9. Transfer of contracts, permits and licenses.** All contracts between the  
38 Allen Water Company and any person, firm or corporation that are in effect on the date of  
39 purchase pursuant to section 7 are assumed and must be carried out by the district. All

1 permits and licenses held by the company that are in effect on the date of purchase  
2 pursuant to section 7 are assumed by the district.

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

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

19 "Do you favor creating the Columbia Falls Village Water District and  
20 permitting it to acquire assets of the Allen Water Company?"

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

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

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

29 **SUMMARY**

30 This bill creates the Columbia Falls Village Water District, subject to referendum.  
31 The bill also gives the district the authority to purchase the property and franchises of the  
32 Allen Water Company upon approval by the Public Utilities Commission.