

MAINE STATE LEGISLATURE

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No. 1656

H.P. 1165

House of Representatives, March 22, 2007

An Act To Amend the Fryeburg Water District Charter

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MUSE of Fryeburg.
Cosponsored by Senator HASTINGS of Oxford.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the health, safety and convenience of the customers of the Fryeburg
4 Water Company require adequate and affordable water service; and

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

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

10 **Sec. 1. P&SL 2005, c. 14, §3, first ¶** is amended to read:

11 **Sec. 3. Additional powers.** The district is authorized to enter into contracts with
12 appropriate entities to arrange for, or provide, continued service to existing customers of
13 the Fryeburg Water Company who are located outside the territory of the district to the
14 extent permitted under and in accordance with applicable laws and rules. The district is
15 also authorized to provide continued service to existing customers of the Fryeburg Water
16 Company who are located outside the territory of the district. The district is authorized to
17 own transmission mains, distribution pipes, service pipes, pumping equipment and other
18 property pertinent to the operation of a water utility located in East Conway, New
19 Hampshire.

20 **Sec. 2. P&SL 2005, c. 14, §8, first ¶** is amended to read:

21 **Sec. 8. District authorized to acquire property and franchises of**
22 **Fryeburg Water Company.** The district, through its trustees, may acquire by
23 purchase the Fryeburg Water Company and the entire plant, properties, franchises, rights
24 and privileges owned by the Fryeburg Water Company, located within the district and
25 located in East Conway, New Hampshire, including all lands, waters, water rights,
26 reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances
27 used or usable in supplying water in the area of the district or in East Conway, New
28 Hampshire. The district is authorized to acquire by purchase the common stock of the
29 Fryeburg Water Company. The district may acquire by the exercise of the right of
30 eminent domain, a right expressly delegated to the district for that purpose, the Fryeburg
31 Water Company and the entire plant, properties, franchises, rights and privileges, except
32 cash assets and accounts receivable, owned by the Fryeburg Water Company, including
33 all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures,
34 hydrants and tools and all apparatus and appliances used or usable in supplying water in
35 the area of the district. Except as otherwise expressly provided in this section and in
36 furtherance of the acquisition of the Fryeburg Water Company pursuant to this section,
37 the district may also acquire by the exercise of the right of eminent domain any tangible
38 or intangible personal property that represents or constitutes an ownership interest in the
39 company by another person or entity.

