

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2117

S.P. 807

December 31, 2007

An Act To Create the Starboard Water District

(EMERGENCY)

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RAYE of Washington.
Cosponsored by Representative EMERY of Cutler and
Representative: McFADDEN of Dennysville.

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

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

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

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

13 **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine Revised
14 Statutes, Title 35-A, chapter 64, that part of the Town of Machiasport described as
15 follows: starting at a point located at 44°37.32'N 067°23.4'W, thence west to a point
16 located at 44° 37.32'N 067° 24.3'W, thence northwesterly to Hickey Road at a point
17 located at 44° 37.6'N 067° 24.38'W, thence following Hickey Road northeasterly to a
18 point located at 44° 38.14'N 067°23.7'W, thence northerly to a point located at 44° 39.4'N
19 067° 23.4'W, thence east to a point located at 44° 39.4'N 067° 23.09'W, thence southeast
20 to Smalls Point Road at a point located at 44° 38.91'N 067° 22.96'W, thence following
21 Smalls Point Road southeasterly to a point located at 44° 38.56'N 067° 22.83'W, thence
22 southeasterly across Bucks Neck to a point located at 44° 38.48'N 067° 22.8'W, thence
23 southwesterly across Bucks Harbor to a point located at 44° 38.21'N 067° 22.88'W, thence
24 south to a point located at 44° 37.71'N 067° 22.9'W, thence southwesterly to the starting
25 point; and its inhabitants constitute a standard district under the name "Starboard Water
26 District," referred to in this Act as "the district."

27 **Sec. 2. Powers; authority; duties.** The district has all the powers and authority
28 and is subject to all the requirements and restrictions provided in the Maine Revised
29 Statutes, Title 35-A, chapter 64.

30 **Sec. 3. Power to take water.** For purposes of its incorporation, the district is
31 authorized to use the water on property owned by the district and has the authority to
32 negotiate for water outside the district but within the Town of Machiasport.

33 **Sec. 4. Number of trustees.** The board of trustees of the district is composed of 5
34 trustees.

35 **Sec. 5. Election of first board.** The first board is elected in an election called by
36 the municipal officers of the Town of Machiasport within 6 months of approval of this
37 Act by the voters in accordance with this Act. The terms of the first board are governed
38 by the Maine Revised Statutes, Title 35-A, section 6410.

1 **Sec. 6. Terms of trustees.** After the election of the first board, trustees are
2 elected to 3-year terms.

3 **Sec. 7. Emergency clause; referendum; effective date.** In view of the
4 emergency cited in the preamble, this Act takes effect when approved only for the
5 purpose of permitting its submission to the legal voters within the territory described in
6 section 1 of this Act at an election called for that purpose and held by July 1, 2010. The
7 election must be called by the municipal officers of the town and be held at the regular
8 voting places. The election must be called, advertised and conducted according to the
9 law relating to municipal elections, except that the registrar of voters is not required to
10 prepare or the clerk to post a new list of voters. For the purpose of registration of voters,
11 the registrar of voters must be in session the secular day preceding the election. The
12 subject matter of this Act is reduced to the following question:

13 " Do you favor creating the Starboard Water District?"

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

16 The results must be declared by the municipal officers of the Town of Machiasport
17 and due certificate of the results filed by the clerk with the Secretary of State.

18 This Act takes effect for all purposes immediately upon its approval by a majority of
19 the legal voters voting at the election. Failure to achieve the necessary approval in any
20 referendum does not prohibit subsequent referenda consistent with this section, as long as
21 the referenda are held prior to July 1, 2010.

22 **SUMMARY**

23 This bill creates the Starboard Water District.