

MAINE STATE LEGISLATURE

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WAL
R.O.F.S

L.D. 1542

Date: 5/18/21

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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1147, L.D. 1542, "An Act To Repeal and Replace the Kittery Water District Charter"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, this legislation adds 2 trustees to the board of trustees of the Kittery Water District to provide for better representation of all those residing within the district boundaries; and

Whereas, the election of new trustees needs to occur before 90 days after the adjournment of the First Special Session of the 130th Legislature in order to meet municipal needs; and

Whereas, the current charter of the Kittery Water District does not appropriately reflect the territory of the district and does not allow for equal representation for all persons residing within the boundaries of the district; 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,

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. Corporate limits; purpose. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, the territory described as follows and its inhabitants constitute a standard district under the name "Kittery Water District," referred to in this Act as "the district," for the purpose of supplying the inhabitants of that district with potable water for domestic, commercial, industrial, municipal and governmental purposes, except that the district may supply water pursuant to any contract with the United States Government: all of the Town of Kittery in the County of York, the Portsmouth Naval Shipyard, and so much of the Town

COMMITTEE AMENDMENT

ROFS

1 of York in the County of York, beginning: At the intersection of the Kittery, Eliot and
 2 York town lines, near the intersection of Beech Ridge Road and Birch Hill Road, York, -70-
 3 43-59.334577 W 43-08-53.8973311 N, to the intersection of Kingsbury Lane and the
 4 northerly end of Boulter Pond, York, -70-42-49.6480387 W 43-10-45.3033869 N, to the
 5 Kittery Water District Treatment Plant, New Boston Road, York, -70-41-26.9790881 W
 6 43-09-47.4562265 N, to the intersection of Cider Hill Road and Cider Hill Creek, near #63
 7 Cider Hill Road, York, -70-40-52.4809683 W 43-09-14.843154 N, to U.S. Route 1, at a
 8 valve in front of #4 U.S. Route 1, York, -70-42-07.4670456 W 43-07-58.9788246 N, and
 9 so much of the Town of Eliot: Beginning at the intersection of River Road and Shapleigh
 10 Old Mill Pond, Eliot, -70-49-17.1735813 W 43-07-55.5036442 N, thence running
 11 northeasterly to the intersection of Fore Road and State Road, Eliot, -70-48-22.2209294
 12 W, 43-08-18.0445193 N, thence running northeasterly to the Harold L. Dow Highway near
 13 the intersection of Arc Road, thence 500' northeasterly along Arc Road, to a point, -70-47-
 14 08.7509814 W 43-08-39.169043 N, thence running southeasterly, 500' from and parallel to
 15 the Harold L. Dow Highway, to the intersection of the Kittery and Eliot town lines, near
 16 the intersection of Hanscom Road and Bolt Hill Road, Eliot, -70-45-30.1957606 W 43-07-
 17 20.8098403 N.

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

21 The district is hereby authorized and empowered to extend its business into the Town
 22 of Eliot for the purpose of supplying the Town of Eliot and the inhabitants thereof with
 23 water for domestic, commercial, industrial and municipal purposes.

24 For accomplishing the purposes of this Act, the district, through its trustees, is
 25 authorized to issue its notes or bonds to an amount sufficient to procure funds to pay the
 26 expenses necessary to install its business in the Town of Eliot.

27 The district is hereby authorized and empowered to extend its business into the Town
 28 of York within the territory identified in section 1.

29 **Sec. 3. Power to take water; purchase water.** The district is authorized to take
 30 water from any spring, pond or streams in the district or adjoining towns within or outside
 31 of the district, including surface and groundwater sources, except that no water except as
 32 provided in this Act may be taken from springs or ponds now used for similar purposes
 33 without consent of the owner, to erect and maintain pumping stations, with all necessary
 34 appurtenances required thereto, to erect and maintain reservoirs and standpipes and to lay
 35 down and maintain pipes and aqueducts necessary for the proper accumulating, conducting,
 36 discharging, distributing and disbursing of water, and forming proper reservoirs therefor.
 37 The district may take and hold by purchase or otherwise any lands, or real estate necessary
 38 therefor, may excavate through any lands when necessary for the purposes of the district
 39 and may purchase water from another water district.

40 **Sec. 4. Trustees.** Except as otherwise provided in this section, the board of trustees
 41 of the district is composed of 5 trustees governed and elected in accordance with the Maine
 42 Revised Statutes, Title 35-A, section 6410. A trustee must be a resident of the district and
 43 a legal voter and may not be a municipally elected official. Trustees serving on the board
 44 of the district on the effective date of this Act continue to serve until their terms expire.
 45 Two additional trustees must be elected after the effective date of this Act, one trustee for

ROFS

1 a term of one year and one trustee for a term of 2 years. A trustee must be chosen by ballot,
2 including by absentee or mail-in ballot, by the legal voters within the district. Whenever
3 the term of office of a trustee expires or to otherwise fill an unoccupied office of trustee,
4 the legal voters of the district shall elect a successor to serve for a full term of 3 years, and
5 if any other vacancy occurs it may be filled in like manner for the unexpired term. In the
6 event of a tied vote, a run-off election must be conducted pursuant to Title 30-A, section
7 2528, subsection 10 within 6 weeks of the election, with 30 days' public notice, and the
8 incumbent, if any, continues to hold office until the election is decided.

9 **Sec. 5. Continuance of district; contracts.** This Act updates the charter of the
10 district. The district is neither dissolved, replaced nor transferred to any other entity by this
11 Act. All contracts existing on the effective date of this Act between the district as
12 established by Private and Special Law 1907, chapter 424, as amended, and any persons or
13 corporations or the United States Government for supplying water within the district and
14 any remaining portion of the Town of Kittery, the Town of Eliot, the Town of York or other
15 adjoining town remain contracts of the district under this Act. Except as otherwise
16 expressly provided, nothing in this Act affects the outstanding debts, obligations, liabilities
17 and responsibilities of the district or any plants, properties, assets, franchises, rights,
18 privileges and operations of the district, including, without limitation, lands, buildings,
19 waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes,
20 machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus, appliances and
21 appurtenances used or useful in supplying water for domestic, commercial, industrial,
22 municipal and governmental purposes, in possession of the district, established by Private
23 and Special Law 1907, chapter 424, as amended.

24 **Sec. 6. P&SL 1907, c. 424,** as amended, is repealed.

25 **Sec. 7. P&SL 1909, c. 109,** as amended, is repealed.

26 **Sec. 8. P&SL 1911, c. 2,** as amended, is repealed.'

27 Amend the bill by adding before the summary the following:

28 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
29 takes effect when approved.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
31 number to read consecutively.

32 **SUMMARY**

33 This amendment adds an emergency preamble and clause. It clarifies the territorial
34 limits of the Kittery Water District and the terms of trustees elected after the effective date
35 of the Act. It adds provisions regarding the transition of existing trustees and the assets and
36 liabilities of the Kittery Water District. It also removes the referendum provision.