

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1692

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S.P. 679

In Senate, April 18, 2023

### An Act to Create the Guilford-Sangerville Utilities District

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GUERIN of Penobscot.  
Cosponsored by Representative WHITE of Guilford and  
Senators: HARRINGTON of York, POULIOT of Kennebec.

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 residents of the Town of Guilford and the Town of Sangerville are in  
4 immediate need of forming a joint utility for the purposes of cost savings and rate  
5 stabilization; and

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

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

11           **Sec. 1. Territorial limits; corporate name; purposes.** The inhabitants and  
12 territory within the Town of Guilford and the Town of Sangerville, and existing customers  
13 of the Guilford-Sangerville Water District in the Town of Parkman, in the County of  
14 Piscataquis, constitute a public municipal corporation under the name of "Guilford-  
15 Sangerville Utilities District," referred to in this Act as "the district," for the purpose of  
16 supplying the inhabitants of the district with pure water for domestic, sanitary,  
17 manufacturing and municipal purposes and to construct, maintain, operate and provide the  
18 sewers with all their appurtenances.

19           **Sec. 2. Source of supply.** The district, for the purposes of its incorporation, is  
20 authorized to take, collect, store, hold, divert, use, flow, detain and distribute water from  
21 any lake, pond, stream or river and from any surface or underground brook, spring or vein  
22 of water in the Town of Guilford and the Town of Sangerville and from any other source  
23 from which the Guilford-Sangerville Water District is now authorized to take water,  
24 including sources outside the Town of Guilford and the Town of Sangerville.

25           **Sec. 3. Powers; authority; duties.** The district has all the powers and authority  
26 and is subject to all the requirements and restrictions provided to a water district in the  
27 Maine Revised Statutes, Title 35-A, chapter 64 and a sewer district in Title 38, chapter 10.

28           **Sec. 4. Number of trustees.** The board of trustees of the district is composed of 5  
29 trustees. Three trustees must be appointed from the Town of Guilford and 2 trustees must  
30 be appointed from the Town of Sangerville. A trustee must live within the municipality the  
31 trustee is appointed to represent.

32           **Sec. 5. First board.** The first board of trustees of the district is appointed by the  
33 municipal officers of the Town of Guilford and the municipal officers of the Town of  
34 Sangerville. The terms of the first board are governed by the Maine Revised Statutes, Title  
35 35-A, section 6410 and Title 38, section 1036.

36           **Sec. 6. Terms of trustees.** After the appointment of the first board of trustees of  
37 the district, trustees are appointed to 3-year terms.

38           **Sec. 7. Acquisition of property; assumption of debts.** The district, through its  
39 trustees, shall acquire by purchase in accordance with this section all of the plants,  
40 properties, assets, franchises, rights and privileges of the Guilford-Sangerville Water  
41 District and the Guilford-Sangerville Sanitary District, including, without limitation, lands,  
42 buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps,

1 pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and  
2 appliances used or useful in supplying water for domestic, commercial, industrial and  
3 municipal purposes and shall, by appropriate instruments, assume, in accordance with this  
4 section, all of the outstanding debts, obligations and liabilities of the Guilford-Sangerville  
5 Water District and the Guilford-Sangerville Sanitary District, including, without limitation,  
6 the assumption of any outstanding bonds, notes or other evidences of indebtedness of the  
7 Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District that are  
8 due on or after the date of transfer.

9 **Sec. 8. Transfer of contracts, permits and licenses.** All contracts between the  
10 Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District and any  
11 person, firm or corporation that are in effect on the date of acquisition pursuant to section  
12 7 are assumed and must be carried out by the district. All permits and licenses held by the  
13 Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District that are  
14 in effect on the date of acquisition pursuant to section 7 are assumed by the district.

15 **Sec. 9. Approval of Public Utilities Commission.** The sale and transfer by the  
16 Guilford-Sangerville Water District to the district of its plants, properties, assets,  
17 franchises, rights and privileges and the assumption by the district of the  
18 Guilford-Sangerville Water District's outstanding debts, obligations and liabilities and the  
19 subsequent use of the plants, properties, assets, franchises, rights and privileges by the  
20 district within the limits of the district are subject to the approval of the Public Utilities  
21 Commission under the Maine Revised Statutes, Title 35-A, Part 1.

22 **Sec. 10. Emergency clause; referendum; effective date.** In view of the  
23 emergency cited in the preamble, this Act takes effect when approved only for the purpose  
24 of permitting its submission to the legal voters within the Town of Guilford and the Town  
25 of Sangerville at a referendum called for that purpose and held after May 1, 2023, but within  
26 2 years after the effective date of this Act. The referendum must be called by the municipal  
27 officers of the respective towns and must be held at the regular voting places. The  
28 referendum must be called, advertised and conducted according to the law relating to  
29 municipal elections. The registrars shall make a complete list of all the eligible voters of  
30 the proposed district as described in this Act. The list prepared by the registrars governs  
31 the eligibility of a voter. For the purpose of registration of voters, the registrars of voters  
32 must be in session the regular workday preceding the referendum. The subject matter of  
33 this Act is reduced to the following question:

34 "Do you favor creating the Guilford-Sangerville Utilities District and  
35 permitting the Guilford-Sangerville Utilities District to acquire the assets  
36 and assume the liabilities of the Guilford-Sangerville Water District and  
37 the Guilford-Sangerville Sanitary District?"

38 The voters shall indicate by a cross or check mark placed against the word "Yes" or  
39 "No" their opinion of the same. The results must be declared by the municipal officers of  
40 the Town of Guilford and the municipal officers of the Town of Sangerville, and due  
41 certificate of the results filed by the clerks with the Secretary of State. This Act takes effect  
42 for all other purposes immediately upon its approval by a majority of the legal voters of  
43 each town voting at the referendum. Failure to achieve the necessary approval in any  
44 referendum does not prohibit subsequent referenda consistent with this section as long as  
45 the referenda are held within 2 years after the effective date of this Act. If, after May 1,

1 2023, but prior to approval of this Act, a referendum on the question specified in this section  
2 is held in accordance with this section and a majority of the legal voters of each town voting  
3 at the referendum casts votes in favor of the question and due certificate of the results are  
4 filed with the Secretary of State, this Act takes effect when approved.

5 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
6 takes effect when approved.

7 **SUMMARY**

8 This bill establishes the Guilford-Sangerville Utilities District, pending voter  
9 referendum.