

MAINE STATE LEGISLATURE

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(Filing No. S-599)

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 897, L.D. 2104, "An Act to Amend the Charter of the Wiscasset Water District"

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

Sec. 1. P&SL 1983, c. 82, §1 is amended to read:

Sec. 1. Territorial limits; name; purposes. ~~Subject to section 16, the~~ The inhabitants and territory within the Town of Wiscasset shall constitute and the Town of Edgecomb constitute a quasi-municipal corporation under the name of "Wiscasset Water District" for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes. All incidental rights, powers and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the Wiscasset Water District.

Sec. 2. P&SL 1983, c. 82, §1, sub-§1 is enacted to read:

1. Additional powers; water supply. The district is authorized to supply water to existing customers in the Town of Woolwich as allowed by the final order in Public Utilities Commission Docket No. 85-8, dated January 17, 1985. The district may also supply water to residents in the Town of Woolwich who are located outside the territory of the district to the extent permitted under and in accordance with applicable laws and rules and subject to approval by the Public Utilities Commission if required by the Maine Revised Statutes, Title 35-A.

Sec. 3. P&SL 1983, c. 82, §1, sub-§2 is enacted to read:

2. Additional powers; contracting with Wiscasset Wastewater Department. The district is authorized to contract with the Town of Wiscasset for the management, oversight, operations and billing related to the functions of the Wiscasset Wastewater Department.

Sec. 4. P&SL 1983, c. 82, §8, first ¶ is amended to read:

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1 **Sec. 8. Board of trustees.** All of the affairs of the district ~~shall be~~ are managed by a
2 board of trustees composed of 5 members, 4 members who are legal voters of the Town of
3 Wiscasset and one member who is a legal voter of the Town of Edgecomb. ~~Initially the~~
4 ~~trustees shall be chosen by the municipal officers of Wiscasset.~~ Each trustee shall serve
5 serves for a term of 3 years, ~~except that the initial trustees shall serve the following terms:~~
6 ~~One trustee shall serve until the next March town meeting; 2 trustees shall serve until the~~
7 ~~2nd March town meeting; and 2 trustees shall serve until the 3rd March town meeting after~~
8 ~~the initial trustees are appointed. At the first meeting, the initial trustees may determine by~~
9 ~~agreement, or failing to agree, they shall determine by lot the term of office of each trustee.~~
10 The term of office of ~~the trustees shall end~~ a trustee ends at the annual town meeting ~~held~~
11 ~~in March for the town of which that trustee is a legal voter.~~ Whenever the term of office of
12 a trustee ~~will expire~~ expires at the next town meeting for the town of which that trustee is
13 a legal voter, a successor shall must be elected by secret ballot at the regular yearly
14 municipal election for the town of which that trustee is a legal voter to serve the full term
15 of 3 years. In case any other vacancy arises, it ~~shall~~ must be temporarily filled by
16 appointment by the ~~selectmen~~ members of the select board of the Town of Wiscasset with
17 regard to a trustee who is a legal voter of the Town of Wiscasset or of the Town of
18 Edgecomb with regard to the trustee who is a legal voter of the Town of Edgecomb, and
19 ~~shall~~ must be permanently filled for the unexpired term at the next regular yearly town
20 election for the town of which that trustee is a legal voter. When any trustee ceases to be a
21 resident of the Town of Wiscasset with regard to a trustee who is a legal voter of the Town
22 of Wiscasset or the Town of Edgecomb with regard to the trustee who is a legal voter of
23 the Town of Edgecomb, ~~he~~ that person vacates the office of trustee.

24 **Sec. 5. Transition; trustees in office.** Trustees of the Wiscasset Water District in
25 office on the effective date of this Act may continue in office for the remainder of their
26 terms. Notwithstanding Private and Special Law 1983, chapter 82, section 8, as amended
27 by this Act, a legal voter of the Town of Edgecomb must be the successor to the trustee
28 who is a legal voter of the Town of Wiscasset whose term expires first after the effective
29 date of this Act or whose position is otherwise vacant prior to the expiration of that trustee's
30 term. In the event that a trustee who is a legal voter of the Town of Wiscasset vacates that
31 trustee's position prior to the expiration of that trustee's term and before the election of the
32 first trustee who is a legal voter of the Town of Edgecomb, the vacancy must be temporarily
33 filled for the unexpired term by appointment by the members of the select board of the
34 Town of Edgecomb of a trustee who is a legal voter of the Town of Edgecomb.

35 **Sec. 6. Referendum; effective dates.** Except as provided in section 7 of this Act,
36 this Act takes effect when approved only for the purpose of permitting its submission to
37 the legal voters within the Town of Wiscasset and the Town of Edgecomb at elections
38 called for that purpose and held within 3 years of the effective date of this Act. The
39 elections must be called, advertised and conducted according to the law relating to
40 municipal elections. The registrars of the Town of Wiscasset and the Town of Edgecomb
41 shall make a complete list of all eligible voters of the proposed district as described in
42 Private and Special Law 1983, chapter 82, section 1, as amended by this Act. The list
43 prepared by the registrars governs the eligibility of a voter to vote in an election pursuant
44 to this Act. For the purpose of registration of voters, the registrars of voters must be in
45 session the secular day preceding the election. An election must be called by the municipal

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1 officers of each of the 2 towns named in this section and must be held at the regular voting
2 places. The subject matter of this Act is reduced to the following question:

3 "Do you favor expanding the Wiscasset Water District's service territory
4 to include the entire Town of Edgecomb?"

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

7 The results must be declared by the municipal officers of the Town of Wiscasset and
8 the Town of Edgecomb and due certificate of the results filed by the towns' clerks with the
9 Secretary of State.

10 This Act takes effect for all other purposes immediately upon its approval by a majority
11 of the legal voters voting at the elections. Failure to achieve the necessary approval in any
12 referendum does not prohibit subsequent referenda consistent with this section, as long as
13 the referenda are held within 3 years of the effective date of this Act.

14 **Sec. 7. Effective date; Woolwich customers and contracting with Wiscasset**
15 **Wastewater Department.** Sections 2 and 3 of this Act take effect for all purposes 90
16 days after the adjournment of the Second Regular Session of the 131st Legislature.'

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

19 **SUMMARY**

20 This amendment replaces the bill and does the following.

21 1. It includes the Town of Edgecomb in the Wiscasset Water District subject to a
22 referendum vote in the Town of Wiscasset and the Town of Edgecomb.

23 2. It authorizes the district to supply water to existing customers in the Town of
24 Woolwich.

25 3. It authorizes the district to contract with the Town of Wiscasset for the management,
26 oversight, operations and billing related to the functions of the Wiscasset Wastewater
27 Department.

28 4. It amends the provisions of the charter governing trustees of the district to include
29 a trustee who is a legal voter of the Town of Edgecomb and includes transition language to
30 identify which trustee position is to be filled by a legal voter of the Town of Edgecomb and
31 how a vacancy prior to the first election of a legal voter of the Town of Edgecomb must be
32 filled.

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