

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
Augusta, Maine
1991

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

claimed on the real estate to secure payment of said rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with the provisions of this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds ~~as heretofore provided~~, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by registered mail to each record holder of any mortgage on said real estate, addressed to such record holder at ~~his~~ the record holder's last and usual place of abode. The fee to be charged by the district to the ratepayer for the notice and filing and for discharge of paid liens shall not exceed the cost to the district of those actions.

The filing of the ~~aforsaid~~ certificate in the registry of deeds ~~as aforsaid shall be deemed to create, and shall create,~~ creates a mortgage on the real estate therein described in the certificate to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and ~~shall give~~ gives to the district all the rights usually possessed by mortgages, except that the district as mortgagee ~~shall does~~ does not have any right to possession of said real estate until the right of redemption ~~hereinafter provided for shall have~~ has expired. If the mortgage, together with interest and costs, ~~shall has~~ has not ~~have~~ been paid within 18 months after the date of filing of said certificate in the registry of deeds ~~as herein provided~~, the mortgage ~~shall be deemed to have been~~ is foreclosed and the right of redemption ~~to have~~ expired. The filing of the certificate in the registry of deeds ~~shall be~~ is sufficient notice of the existence of the mortgage ~~hereby provided for~~. In the event that said rate, toll, rent or other charge, with interest and costs, ~~as aforsaid, shall be~~ is paid within the period of redemption ~~herein provided for~~, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.

Sec. 6. P&SL 1963, c. 146, §28 is enacted to read:

Sec. 28. Authorized to acquire property and franchises of Waldoboro Water Company. The district, through its trustees, may acquire by purchase the entire plant, properties, franchises, rights and privileges owned by the Waldoboro Water Company, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district.

Sec. 7. Referendum; effective date. Sections 3 and 6 of this Act shall be submitted to the legal voters of the Waldoboro Utility District at an election to be called and held for the purpose by December 31, 1991. The election must be called by the municipal officers and must be held at the regular voting places. The elec-

tion must be called, advertised and conducted according to the law relating to the municipal elections; except that the board of registration is not required to prepare nor the town clerks to post a new list of voters, and for this purpose the board of registration must be in session on the 3 working days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of sections 3 and 6 of this Act to the following questions:

Question A: "Shall the debt limit of the Waldoboro Utility District be increased to \$3,000,000 and a district vote required for any single expenditure in excess of \$200,000?"

Question B: "Shall the Waldoboro Utility District purchase the assets of the Waldoboro Water Company?"

Section 3 of this Act shall take effect for all purposes immediately upon acceptance of Question A by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections. Section 6 of this Act shall take effect for all purposes immediately upon acceptance of Question B by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections.

The results of the elections must be declared by the municipal officers of the town and due certificates of the elections must be filed by the town clerk with the Secretary of State.

See title page for effective date, unless otherwise indicated.

CHAPTER 35

H.P. 1270 - L.D. 1841

An Act to Amend the Charter of the Farmington Village Corporation

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

Whereas, pursuant to Private and Special Law 1911, chapter 142, as amended, the Farmington Village Corporation presently owns, operates and maintains a water works system that provides the water supply, including public drinking water, to the Town of Farmington; and

Whereas, the Farmington Village Corporation, in order to comply with the requirements of the Safe Water Drinking Act of 1986 and to ensure a safe and adequate supply of water to the Town of Farmington, must acquire and construct in the immediate future a new gravel well to provide an underground water supply; and

Whereas, in order to proceed with the construction of a new gravel well, the Farmington Village Corporation must exercise its power of eminent domain to acquire the new well site; and

Whereas, there exists uncertainty as to the extent of the Farmington Village Corporation's powers of eminent domain and the procedures to be used by the Farmington Village Corporation in exercising its eminent domain powers that is resolved only by an amendment to the Charter of the Farmington Village Corporation; 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,

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

P&SL 1911, c. 142, §2-F is enacted to read:

Sec. 2-F. Eminent domain. Subject to the provisions of this section, the Farmington Village Corporation has the right of eminent domain and may exercise that right to acquire real estate or interests in real estate for the purposes of acquiring an underground water supply and to adequately provide for the storage, distribution or transmission of that water. Eminent domain powers may be exercised only for those purposes and only if the assessors determine that public exigency requires the immediate taking of those property interests, the corporation is unable to purchase those property interests for what the assessors consider reasonable valuation or the title is defective. In order to exercise this power, the assessors shall file with the clerk of the corporation and record in the Franklin County Registry of Deeds a written condemnation order and a plan of the property interest to be taken. The condemnation order must include a detailed description of the property interests to be taken, with reference to the plan, the name or names of the owner or owners of record as can be reasonably determined and the amount of damages determined by the assessors to be just compensation for the property interests taken. The assessors shall then serve upon the owner or owners of record in hand, or by certified mail to the last known address of the owner or owners, a copy of the condemnation order and a check in the amount of damages awarded. In the event of multiple ownership, the check may be served on any one of the owners.

The assessors shall also serve the condemnation order upon any mortgagees of record in hand, or by certified mail to the last known address of the mortgagees. Title passes to the Farmington Village Corporation upon service of the condemnation order and check upon the owner or owners, or upon the recording of the condemnation order and the plan, whichever occurs first. Any person aggrieved by the determination of the damages awarded to the owner or owners of the property interests taken may, within 30 days after the day title passes to the corporation, appeal the determination of damages to the Franklin County Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 21, 1991.

CHAPTER 36

H.P. 1238 - L.D. 1804

An Act Concerning the Bonding Authority of the Cumberland County Recreation Center

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

P&SL 1971, c. 86, §2, as amended by P&SL 1973, c. 225, is further amended to read:

Sec. 2. Authority to acquire and hold property and to enter into contracts and other commitments. The said district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act by purchase, gift, lease or otherwise, as for public uses, any lands, buildings, real estate, easements or interests therein. The said district is further authorized and empowered to enter into, and to perform under the terms of, contracts, agreements, understandings and other commitments of every kind and description necessary or convenient in connection with the construction and operation of a multi-purpose recreation, athletic and municipal center and further to borrow, mortgage and pledge and issue bonds, notes or other obligations upon such security as the trustees deem necessary or convenient therewith. Except for notes issued in anticipation of federal or state grants or aid, the district may not issue construction bonds or notes that cause the aggregate indebtedness for construction bonds and notes issued after October 1, 1991 to exceed \$5,000,000, unless the issuance is approved by a majority of the Cumberland County voters casting ballots in a county referendum.

See title page for effective date.
