

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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J.S. McCarthy Company
Augusta, Maine
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CHAPTER 26

S.P. 411 - L.D. 1099

An Act to Combine the Sabattus Water District and the Sabattus Sanitary District

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. Sabattus Sanitary District; additional purposes; expanded powers. The Sabattus Sanitary District, formed under the Maine Revised Statutes, Title 38, chapter 11 and referred to in this Act as "the district," is granted additional powers, rights, privileges and obligations as provided in this Act for the purpose of allowing the district to supply the town and inhabitants and others within the territory of the district with potable water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes. All authority and powers of the Sabattus Sanitary District as previously granted continue in full force and effect. The board of trustees of the district as presently elected and constituted may exercise all additional powers, rights, privileges and obligations granted by this section in the same manner as currently empowered for the affairs of this district.

Sec. 2. Additional powers of district. The district, for the purposes specified in section 1, may take, collect, store, flow, use, divert, distribute and convey to the district, or any part of the district, water from any surface or underground source, natural or artificial, within the district on the effective date of this Act. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and do anything necessary to furnish water for public purposes and for the public health, comfort and convenience of the inhabitants and others of the district, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges granted to the Sabattus Water District and necessary to the accomplishment of the objectives set forth in this Act are granted to the district.

Notwithstanding section 1 and other provisions of this section, the district may not provide service to any person or business within the territory served by the Sabattus Water District, or its successors, unless the provision of service is approved by the Public Utilities Commission pursuant to section 13 of this Act and approved by the voters pursuant to section 18 of this Act.

Sec. 3. Authorized to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The district may lay in, along, under and through the streets, roads, ways, highways, bridges, tidal waters, lakes, ponds, rivers and water courses in the territory of the district and across private lands in the territory of the district and maintain, repair and replace pipes, mains, conduits, aqueducts and fixtures and appurtenances as necessary and convenient for the purposes specified in section 1 and, whenever the district lays any pipes, mains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel and at the district's own expense, without unnecessary delay, shall cause the earth and pavement removed by the district to be replaced in proper condition.

Sec. 4. Authorized to erect dams and reservoirs; to cross navigable waters; to supply water to utilities. The district, for the purposes specified in section 1, may erect and maintain all dams, reservoirs and structures necessary and convenient for those purposes. The district may lay, construct and maintain its pipes and fixtures in, over and under navigable waters and build and maintain structures for the pipes and fixtures, subject to the laws of the United States. The district may supply water to any public utility now supplying water in Androscoggin County, subject to the consent of the Public Utilities Commission.

Sec. 5. Procedure if public utility must be crossed. In case of crossing of any public utility, unless consent is given by the company owning and operating the public utility as to place, manner and conditions of the crossing within 30 days after consent is requested by the district, the Public Utilities Commission, upon petition by the district, shall determine the place, manner and conditions of the crossing, and all work on the property of the public utility must be done under the supervision and to the satisfaction of the public utility or as prescribed by the Public Utilities Commission, but at the expense of the district.

Sec. 6. Authority to acquire property; rights of eminent domain. In addition to the district's eminent domain powers granted under the Maine Revised Statutes, Title 38, chapter 11, the

district is granted the right of eminent domain for the purposes of this Act pursuant to Title 35-A, chapters 65 and 67.

This section may not be construed as authorizing the district to take by right of eminent domain any of the property or facilities of any other public utility used, or acquired for future use by the owner of that property or those facilities, in the performance of a public duty, unless expressly authorized to do so by this Act or by subsequent Act of the Legislature.

Sec. 7. Annual report. The trustees of the district shall make and publish an annual report concerning the operations of the district pursuant to this Act, including a report of the treasurer.

Sec. 8. District and towns authorized to make and assume contracts. The district, through its trustees, in order to carry out the objectives set forth in this Act, may contract with persons, districts, municipalities, utilities or corporations. The district may contract with the Town of Sabattus and the town may contract with the district for the supply of water for municipal purposes.

Sec. 9. Authorized to receive government aid; borrow money; issue bonds and notes. For accomplishing the purposes of this Act, the district, through its trustees, without vote of the inhabitants, may receive state and federal aid or grants, borrow money temporarily and issue for the money its negotiable notes for the purpose of renewing and refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under this Act, including organizational and other necessary expenses and liabilities, whether incurred by the district or the Town of Sabattus, the district being authorized to reimburse the Town of Sabattus for any such expense incurred by the town and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the water plant or system and to cover associated interest payments. The district, through its trustees, may also issue, from time to time, in accordance with the Maine Revised Statutes, Title 35-A, chapter 63, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, selling at par or at a discount or a premium, to be sold in such manner, at public or private sale, and having such other terms and provisions as the trustees determine, except that loans running for one year or less do not require the approval of the Public Utilities Commission.

Bonds, notes and evidences of indebtedness of the district may be issued to mature serially or made to run for a term of years as the trustees determine.

Bonds, notes or evidences of indebtedness may be issued with or without provisions for calling the bonds, notes or evidences of indebtedness prior to maturity and, if callable, may be made callable at par or at such premium as the trustees determine. All bonds, notes or other evidences of indebtedness must have inscribed upon their face the words "Sabattus Sanitary District" and be signed by the treasurer and countersigned by the chair of the board of trustees of the district. If coupon bonds are issued, the interest coupon attached to the coupon bonds must bear the facsimile signature of the treasurer.

All bonds, notes and evidences of indebtedness so issued by the district, which is declared to be a quasi-municipal corporation, are legal obligations of the district within the meaning of the Maine Revised Statutes, Title 30-A, section 5701.

The district may refund and reissue, from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness, and each authorized issue constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State and are exempt from state income tax.

Sec. 10. Rates. The rates established pursuant to this section must be sufficient to provide revenue for the purposes of this Act, without the need for any financial assistance from the Town of Sabattus other than the normal payment of water charges for services rendered and the loan or loans for initial funds as set forth in section 9. Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer or other designated officer of the district the rates established by the board of trustees for the water used by them. The rates must be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 61, to provide for the purposes set forth therein.

Sec. 11. Sabattus Sanitary District's acquisition of property of Sabattus Water District. The Sabattus Sanitary District acquires, under the terms contained in this Act, all, and not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Sabattus Water District including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The consideration paid for them is the assumption by the Sabattus Sanitary District of all of the outstanding debts, obligations and liabilities of the Sabattus Water District including, without limitation, the assumption by the Sabattus Sanitary District of any outstanding notes or bonds of the

Sabattus Water District that are due on or after the date of transfer.

Sec. 12. Sabattus Water District required to sell property to the Sabattus Sanitary District. The Sabattus Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1967, chapter 196, under the terms contained in this Act, shall sell, transfer and convey to the Sabattus Sanitary District by appropriate instruments of conveyance all, and not less than all, of its plants, properties, assets, franchises, rights and privileges including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Sabattus Sanitary District of all of the outstanding debts, obligations and liabilities of the Sabattus Water District including, without limitation, the assumption of any outstanding notes or bonds of the Sabattus Water District that are due on or after the date of the transfer.

Sec. 13. Approval of Public Utilities Commission. The sale and transfer by the Sabattus Water District to the Sabattus Sanitary District of its plant, properties, assets, franchises, rights and privileges and the assumption by the Sabattus Sanitary District of all of the outstanding debts, obligations and liabilities of the Sabattus Water District pursuant to sections 11 and 12 and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the Sabattus Sanitary District within the limits of the Sabattus Sanitary District are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 14. Contracts of Sabattus Water District assumed by the Sabattus Sanitary District. All contracts between the Sabattus Water District and any person, firm or corporation relating to supplying water that are in effect on the date of the transfer by the Sabattus Water District to the Sabattus Sanitary District are assumed and carried out by the Sabattus Sanitary District.

Sec. 15. Dissolution and termination of Sabattus Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the Sabattus Water District have been paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption thereof by the Sabattus Water District and to the novation and substitution of the Sabattus Sanitary District as obligor in respect thereto in place of the

Sabattus Water District and, when the transfer of property pursuant to section 12 is complete, the clerk of the Sabattus Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Sabattus Water District terminates. After filing the certificate with the Secretary of State, the clerk of the Sabattus Water District shall submit legislation to repeal Private and Special Law 1967, chapter 196. Until the corporate existence of the Sabattus Water District is terminated pursuant to this section, the gross revenues derived by the Sabattus Sanitary District from the sale of water within the area comprising the former limits of the district must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Sabattus Water District assumed by the Sabattus Sanitary District pursuant to this Act.

Sec. 16. Property tax exemption. Notwithstanding the Maine Revised Statutes, Title 38, section 1064, the property of the district acquired pursuant to this Act and used for the purposes of this Act is exempt from taxation to the extent provided in Title 36, section 651.

Sec. 17. Existing laws not affected; rights conferred subject to provisions of law; preservation of powers. Nothing contained in this Act is intended to repeal, or may be construed as repealing, the whole or any part of any existing law, and all the rights and duties mentioned in this Act must be exercised and performed in accordance with all the applicable provisions of and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that title and its amendments affect the operations of the district. Powers granted in this Act are in addition to powers granted to the district under the provisions of Title 38, chapter 11, and nothing in this Act may be construed as limiting the authority of the district in carrying out the purposes of the district as provided in Title 38, section 1063.

Sec. 18. Referendum; effective date. The municipal officers of the Town of Sabattus shall submit this Act to the legal voters of the Town of Sabattus voting at a regular or special election called and held within 6 months after passage of this Act. If the municipal officers choose to so submit this Act the election must be called, advertised and conducted according to the law relating to municipal elections, except that the municipal officers are not required to prepare or the town clerk to post a new list of voters. For the purpose of registration of voters the registrar is required to be in session the 3 secular days next preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions. The subject matter of this Act is reduced to the following question:

"Do you favor the dissolution of the Sabattus Water District and the acquisition of the assets and liabilities of the Sabattus Water District by the Sabattus Sanitary District?"

This Act also must be submitted to the Trustees of the Sabattus Water District for a ratification vote at any trustees' meeting.

This Act takes effect for all purposes immediately upon its acceptance by the Trustees of the Sabattus Water District and by a majority of the legal voters of Sabattus voting at the election.

The results of the election must be declared by the municipal officers of the Town of Sabattus and due certificate thereof filed by the town clerk with the Secretary of State. The trustees of the Sabattus Water District shall certify the results of their vote and file the certification with the Secretary of State.

Effective pending referendum.

CHAPTER 27

H.P. 943 - L.D. 1332

An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District

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

Whereas, the United States Government is in the process of constructing a bypass between the Town of Brunswick and the Town of Topsham that goes through undeveloped lands in the Town of Topsham; and

Whereas, the Town of Topsham desires to have an industrial or commercial zone adjacent to the bypass to increase the town's tax base and a town meeting must approve any contribution toward the construction costs of sewer projects; and

Whereas, the annual town meeting is being held in May and to save time and money the sewers should be built before the bypass is completed; and

Whereas, the town and the district need time to make plans for this construction; 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:

Sec. 1. P&SL 1957, c. 128, §13, as enacted by P&SL 1963, c. 49, §3, is amended to read:

Sec. 13. Town of Topsham authorized to contribute to construction costs. The Town of Topsham may ~~from time to time~~ contribute ~~to the expense of funds~~ to pay for some or all of the expenses associated with the construction and or reconstruction of the sewers belonging to of the Topsham Sewer District up to but not exceeding 1/2 the costs of such construction by so voting at any annual or special town meeting. Said ~~The~~ town may raise money for ~~such these~~ purposes in whole or part by any lawful means, including, but not limited to, by taxation or may issue, by issuance of its notes for the payment of its share in whole or part or may issue by issuance of its bonds under the Maine Revised Statutes of 1954, chapter 53, Title 30-A, section 437 for the payment of its share in whole or part 5111.

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

Effective June 9, 1995.

CHAPTER 28

S.P. 381 - L.D. 1058

An Act Concerning the Richmond Utilities District

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

Sec. 1. P&SL 1995, c. 10, §2 is amended by amending the last paragraph by adding at the end the following:

Failure of approval by the necessary majority of voters at any election held under this section does not prevent a subsequent election or elections from being held prior to December 15, 1996.

See title page for effective date.