

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

Transfer from undesignated fund balance	2,754,029
TOTAL	\$3,034,029
Educational -	
Lands Reserve Trust	\$100,000
Tuition - Travel	200,000
Miscellaneous	1,500
Special - Retirement	150,000
TOTAL	\$451,500
TOTAL DEDUCTIONS	(\$3,485,529)
TAX ASSESSMENT	\$10,708,223

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

Effective May 16, 1997.

CHAPTER 30

S.P. 208 - L.D. 667

An Act to Create and Incorporate the Jackman Utility District by Merger of the Jackman Water District and the Jackman 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 Jackman Sewer District was created by Private and Special Law 1969, chapter 88; and

Whereas, the Jackman Water District was created by Private and Special Law 1971, chapter 119; and

Whereas, the 2 districts have merged their day-to-day operations in order to reduce operating costs for the benefit of persons and entities served by the 2 districts; and

Whereas, the 2 districts wish to merge their charters in order to reduce management expenses as the result of unified management as one district; and

Whereas, it is imperative that action be taken at the earliest possible moment to allow for continuity of services provided by the Jackman Water District and the Jackman Sewer 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,

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

Sec. 1. Territorial limits; name; purposes. The territory comprising the Town of Jackman and the inhabitants of the Town of Jackman create a body politic and corporate under the name of "Jackman Utility District," referred to in this Act as the "district," for the purposes of:

1. Supplying the inhabitants of the district, the Town of Moose River, Dennistown Plantation and Attean Township with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes; and

2. Providing the inhabitants of the district, the Town of Moose River, Dennistown Plantation and Attean Township with a system of public sewage constructed, maintained and operated for the public health and welfare and for the benefit of the inhabitants and of the property served by the sewage facility in the manner and with the rights, duties and immunities set out in this Act.

Sec. 2. Transition; first meeting; organization of board; transitional term lengths. The board of trustees of the Jackman Sewer District and the board of trustees of the Jackman Water District shall serve as the transitional board of trustees as provided in this Act.

As soon as convenient after the acceptance of this Act, the boards of trustees of the Jackman Sewer District and the Jackman Water District shall hold a meeting at some convenient place in the district, to be called by any member in writing, designating the time and place of the meeting and delivered in hand to the other members, not less than 2 days before the meeting. They may meet by agreement without such notice. They shall then organize by electing a chair, a clerk and a treasurer to serve until the next annual meeting of the district and until their successors are elected or appointed and qualified. Members of the boards of trustees are eligible to serve in any office of the new board of trustees. They shall adopt a corporate seal and may adopt bylaws and perform any other acts within the powers delegated to them by law.

At the first meeting of the district, the boards of trustees of the Jackman Water District and the Jackman Sewer District shall determine by agreement or, failing to agree, they shall determine by lot the term of office of each trustee. Commencing March 1,

1998, the board must be reduced to 5 members with 2 members subject to election in 1998, 2 members in March 1999 and one member in March 2000.

The trustees shall enter on their records the determination made.

Sec. 3. Trustees; tenure of office; election of office; vacancies. All the affairs of the district are managed by a board of 5 trustees, except that until March 1, 1998, the affairs of the district are managed by the transitional board as established in section 2. Trustees must be residents within the territorial limits of the district, who are chosen as provided in this Act.

Commencing March 1998, the district shall hold an annual election for trustees. The election must be held on the same date in March on which municipal elections in the Town of Jackman are held. Trustees are elected for 3-year terms. At the first election, 2 trustees must be elected; at the 2nd election in March 1999, 2 additional trustees must be elected; and at the 3rd election in March 2000, one trustee must be elected.

Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections. When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the district. For the purpose of the election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the district in the same manner as town meetings are called, and, for this purpose, the trustees are vested with the powers of municipal officers of towns.

The trustees shall appoint a registrar of voters for the district, who may also be the registrar of voters of the Town of Jackman, and fix the registrar's salary. It is the registrar's duty to make and keep a complete list of all the eligible voters of the district. The list prepared by the registrar governs the eligibility of any voter. Voters who are residents outside the territorial limits of the district, as defined in section 1 of this Act, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's list. All warrants issued for elections by the trustees must show that only the voters residing within the territorial limits of the district are entitled to vote.

All trustees are eligible for reelection, except a person who is a municipal officer within the district and the town manager of the Town of Jackman are not eligible for nomination or election as a trustee of the district. When a trustee ceases to be a resident of the district, the trustee shall vacate the office of trustee. A vacancy is filled in the same manner as a vacancy is filled in a municipal election for the unexpired term by a special election called by the trustees of the district.

Sec. 4. Trustees; decisions of the board; oath; annual report. At the next meeting of the district after each annual election, the trustees shall meet for the purpose of electing a chair, a treasurer and a clerk to serve until their successors are elected or appointed and qualified. The trustees, from time to time, may choose and employ any necessary officers and agents who serve at the pleasure of the trustees and fix their compensation. The treasurer shall furnish bond in the sum and with sureties approved by the trustees. The district shall pay the cost of the bonds.

The trustees may adopt and establish bylaws and rules consistent with the laws of this State and necessary for the convenience and the proper management of the affairs of the district and perform other acts within the powers delegated by law to the trustees.

All decisions of the board of trustees must be made by a majority vote of those present and voting, except that a vote to approve the issuing of any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance must be approved by a majority of the entire elected board. A quorum of the board of trustees consists of the total number of authorized trustees divided by 2 and, if necessary to obtain a whole number, the resulting number rounded up to the next whole number.

The trustees are sworn to the faithful performance of their duties including the duties of a member who serves as clerk or clerk pro tem. The trustees shall publish an annual report that includes a report of the treasurer.

Trustees are subject to the conflict of interest provisions of the Maine Revised Statutes, Title 30-A, section 2605.

Business of the district must be conducted in accordance with the applicable provisions of the freedom of access laws, Title 1, sections 401 to 410.

Sec. 5. Trustees; compensation; retirement. The trustees are entitled to compensation as recommended by the trustees and approved by a majority of the municipal officers in the Town of Jackman, including compensation for any duties they perform as officers as well as for their duties as trustees. Certification of the votes of the municipal officers of the Town of Jackman must be recorded with the Secretary of State and in the bylaws. Compensation for duties as trustees must be on the basis of such specific amount as may be specified in the bylaws for each meeting actually attended and reimbursement for travel and expenses with the total not to exceed the specific amount as may be specified in the bylaws. Compensation schedules in effect on January 1, 1982 continue in effect until changed.

Persons who have not been trustees prior to January 1, 1987, and who are not full-time employees, are not eligible to become members of the Maine State Retirement System as a result of their selection as trustees. For purposes of determining a district trustee's eligibility to be a member of the Maine State Retirement System prior to January 1, 1987, the provisions of the appropriate governing charter in effect at the time of the trustee's application for membership control.

Sec. 6. Fiscal year; powers; right of contract. The district's fiscal year begins the first day of January of each year and ends the last day of December of each year.

All incidental rights, powers and privileges necessary to accomplish the objectives in this Act are granted to the district, including the right of the trustees to determine when and where water supply and sewerage facilities are most needed and how distribution and collection lines and treatment and pumping facilities are built.

The district, through its trustees, is authorized to contract with persons, districts, municipalities, utilities or corporations within the district for the collection, distribution and disposal of sewage, surface water or other waste matter and for the supply of water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

The district is authorized to lay pipes, drains, sewers and conduits and to take up, repair and maintain the same or to contract for the same to be done in and along the public ways, private ways and public grounds, through lands of any person or corporation as provided in this Act and to and into rivers, watercourses or filtration plants or to and into any drain or sewer that empties into rivers or into any watercourse or filtration plant, the discharge to be at points consistent with the requirements of public health as is found convenient and reasonable for the district and the flow of existing watercourses; also to construct and maintain filtration plants, pumping stations, basins, reservoirs, flush tanks and other appliances for collecting, holding, purifying, distributing and disposing of sewage matter and surface or waste waters as may be necessary and proper; and in general, to do any or all things incidental to accomplish the purposes of this Act. The district is authorized to take, hold, divert, use and distribute water from any river, lake, pond, stream, brook, spring, well or other source, natural or artificial, in the district.

The district is further authorized to enter into contract or any other form of agreement with any appropriate federal or state agency if authorized to do so by the Department of Environmental Protection, if, after a public hearing that the department considers

necessary, the department finds that the contract or agreement is beneficial and in furtherance of the State's program for the elimination of pollution in and purification of the waters of Moose River, as long as the contract or agreement is also approved by a majority of the voters of the district at an annual or special meeting.

Sec. 7. Authorized to issue notes and bonds; to borrow money. The district, by resolution of its board of trustees, may borrow money temporarily and issue for that money its negotiable notes in anticipation of bonds authorized by this section and of notes in anticipation of the revenues to be collected or received in any year or in anticipation of the receipt of approved federal or state grants for the purposes of paying and refunding the indebtedness so created; of paying any necessary expenses and liabilities, including organizational and other necessary expenses and liabilities; and of acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system, making renewals, additions, extensions and improvements to the same.

The district may acquire properties, pay damages, lay pipes, mains, aqueducts and conduits; construct, maintain and operate a water plant or system; make renewals, additions, extensions and improvements to the water plant or system; and cover interest payments during the period of construction for such period as the trustees may determine. The district, by resolution of its board of trustees, may also issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series or in separate series in an amount or amounts at such rates of interest and on such terms and conditions as the trustees determine. The total outstanding indebtedness of the district may not exceed \$1,000,000 for sewer projects and \$1,250,000 for water projects as long as amounts temporarily borrowed by the district in anticipation of the receipt of any approved grants from the State Government or Federal Government, or from any agency of either authorized to assist in the financing of water pollution control projects, do not affect or are not included in the total indebtedness of the district permitted to be outstanding. The bonds, notes and other evidences of indebtedness are legal obligations of the district and a direct obligation on the taxable property within the district, must bear the seal of the district and must be signed by the district's treasurer and countersigned by the chair of the board of trustees; and any interest coupons attached to the bonds, notes or other evidences of indebtedness must bear the facsimile of the signature of the board's treasurer. The district may refund and reissue, from time to time, in one or separate series its bonds and other evidences of indebtedness, and each authorized issue constitutes a separate loan. All bonds issued by the district are legal investments for savings banks in

the State. All bonds, notes or other evidences of indebtedness issued by the district, and their transfer and the income from the bonds, notes or other evidences of indebtedness, including any profit made on the sale of the bonds, notes or other evidences of indebtedness, are at all times free from taxation within the State.

Sec. 8. Rates; application of revenues; sinking fund; mutual funds. All persons and corporations, whether public, private or municipal, shall pay to the treasurer of the district the entrance charges, rates, tolls, rents and other lawful charges established by the trustees for sewer or drainage service used, or to which such beneficial service is available with respect to their lots or parcels of land, and any other assessment now lawfully imposed by general law, and in determining real estate interest, the term, as defined by the Maine Revised Statutes, Title 36, section 551, may be applied by the trustees. The board of trustees may by bylaws define the person to whom the special tax, toll or charge is assessed and may adopt such other bylaws and rules as may be necessary to carry out the provisions of this Act. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of the district the rates established by the board of trustees and, as approved by the Public Utilities Commission, for the water used by them.

Water and sewer rates, tolls, rents and entrance charges must be uniform within the territory supplied by the district when the installation and maintenance of water or sewer appurtenances and the cost of service are substantially uniform; but nothing in this Act precludes the district from establishing a higher rate, toll, rent or entrance charge than the regular rates, tolls, rents and charges in sections of the district where, for any reason, the cost of construction and maintenance or the cost of service exceeds the average, but the higher rates, tolls, rents and charges must be uniform throughout the sections of the district where they apply. Water rates are subject to the approval of the Public Utilities Commission. The rates must be established to provide revenue for the following purposes:

1. To pay current expenses for operating and maintaining the water and sewer systems and to provide for extensions and renewals as may become necessary;
2. To provide for the payment of the interest on the indebtedness created by the district;
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district other than serial bonds and notes, which sum must be turned into a sinking fund and kept to provide the extinguishment of the

indebtedness or, if serial bonds or notes are issued, to pay the principal of the bonds and notes payable in that year. The money set aside for the sinking fund must be devoted to the retirement of the obligations of the district or invested in securities as savings banks or fiduciaries or trustees in this State are allowed to hold; and

4. If any surplus remains at the end of the year, the funds may be turned into the sinking fund or used for other purposes of the district as the trustees may determine.

A district may invest its funds, including sinking funds, reserve funds and trust funds, to the extent that the terms of any instrument creating the funds do not prohibit the investment, in shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States Securities Act of 1933, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States, or purchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States. This section is in addition to and does not limit the power of a district to invest its funds.

Sec. 9. Collection of payment of rates; lien for payment of sewer rates. The Public Utilities Commission rules apply for the collection of all outstanding water and sewer debt. The district may disconnect the water service in the event the user of the sewer system of the district fails within reasonable time to pay the statement of rates, fees or charges submitted by the district to the user, as long as the action by the district is accomplished in accordance with the Public Utilities Commission rules for the disconnection of water services.

When a rate, toll, rent or other charge has been committed to the treasurer of the district for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a written notice signed by the treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested fee. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of

this section, a mobile home is defined as real estate. After the expiration of the 30-day period and within one year, the treasurer shall record in the Somerset County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge and the real estate on which the lien is claimed stating that a lien is claimed to secure payment of the charge, that notice and demand for payment of the charge has been given or made in accordance with the provisions of this section and that the charge remains unpaid. At the time of the recording of a certificate in the registry of deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

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

Sec. 10. Ownership of real and personal property; eminent domain. The district is granted the right of eminent domain and, for the purposes of this Act, is authorized to take and hold for public uses, either by exercising its right of eminent domain or by purchase, lease or otherwise, any land, easements or interests in land or easements and any sewer or sewer rights necessary for constructing, establishing, maintaining and operating sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property, used or usable, for collecting, holding, purifying and disposing of sewage matter and waste waters.

The district, for the purposes of its incorporation, is authorized to take and hold within the area covered by the district for public uses real estate and personal estate and any interest in real estate and personal estate necessary for such purposes by purchase, lease

or otherwise and is authorized to exercise the right of eminent domain as provided in this section to acquire for such purposes any lands or interest in the lands or water rights necessary for erecting and maintaining dams, plants and works; for flowage; for pumping; for supplying water through its mains; for reservoirs; for preserving the purity of the water and watershed; for laying and maintaining mains, aqueducts and other structures for taking, distributing, discharging and disposing of water; for forming basins and reservoirs; for erection of buildings; for pumping works for use in the buildings; for laying and maintaining pipes and conduits for carrying, collecting and discharging water; for filtering, rectifying and treating plants, works and facilities; for such other objects necessary, convenient and proper for the purpose of its incorporation and for rights-of-way or roadways to its sources of supply, dams, reservoirs, mains, aqueducts, structures, plants, works facilities and lands.

The district is authorized to lay in and through the streets, roads, ways and highways within the district and across private lands within the district and to maintain, repair and replace all pipes, mains, conduits, aqueducts and fixtures as may be necessary and convenient for any of its corporate purposes and authorities.

When the district lays or installs any pipes, aqueducts or fixtures in any street, road, way or highway, the district shall cause the same to be done with as little obstruction as practicable to the public travel and shall at its own expense, without unnecessary delay, replace in proper condition the earth and pavement removed by the district.

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 service corporation or district used or acquired for future use by the owner of the property or facility in the performance of a public duty unless expressly authorized or by subsequent act of the Legislature.

Sec. 11. Procedure in exercising right of eminent domain; assessment of damage; appeal procedure. In exercising the right of eminent domain, the district by its board of trustees shall file in the office of the county commissioners of Somerset County and cause to be recorded in the registry of deeds in the county plans of the location of all lands and interests in lands to be taken with an appropriate description and the names of the landowners, if known. When the district fails to acquire property that it is authorized to take and is described in the location, or if the location recorded is defective and uncertain, it may correct and perfect the location and file a new description of the location. In that case, the district is liable in damages only for property for which the owner had not previously been paid, to be

assessed as of the time of the original taking. The district is not liable for any acts that would have been justified if the original taking had been lawful. Entry may not be made on any private lands, except to make surveys, until the expiration of 10 days from the filing, at which time possession may be had of all the lands or interests in the lands or property or rights to be taken, but title may not vest in the district until payment for the lands is made.

If any person sustaining damages by any taking as provided in this section does not agree with the trustees of the district upon the sum to be paid for the damages, either party, upon petition to the county commissioners of Somerset County, may have the damages assessed by the county commissioners. The procedure and all subsequent proceedings and the rights of appeal have the same restrictions, conditions and limitations as are or may be prescribed in the case of damages caused by laying out of highways.

Sec. 12. 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. 13. Rights and obligations of abutters or others to enter. Any person may enter that person's private drain into any sewer of the district while that sewer is under construction and before completion of the sewer at the point of entry, and before an entrance charge is established on obtaining a permit in writing from the trustees. After the sewer is completed to the point of entry and an entrance charge established on that location, a person may not enter that person's private drain into any sewer until that person has paid the entrance charge and obtained a permit in writing from the trustees. All permits must be recorded by the clerk of the district in its records before the permits are issued.

Every building in the district intended for human habitation, use or occupancy on premises abutting on a street in which there is a public sewer or any building within 200 feet of a public sewer must have a house drainage system that must be connected with the sewer by the owner or agent of the premises in the most direct manner possible, if feasible, with a separate connection for each house or building, except that existing buildings that are already served by a satisfactory private sewage disposal system that meets

and continues to meet the requirements of section 1222(b) of the state plumbing code as now written or as it may be amended are not required to connect with the public sewer.

Sec. 14. Excavation or repair work; closing of ways. When the district enters, digs up or excavates any public way or other land for the purpose of laying its water or sewer pipes, constructing manholes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work must be expeditiously done with the least possible interruption, and, on completion of the work, the district shall restore the way or land to the condition it was in prior to the work or to a condition equally as good.

When the character of the work is such as to endanger travel on any public way, the municipal officers of the Town of Jackman may order a temporary closing of the way and of any intersecting way upon request of the district. The way must remain closed to public travel until the municipal officers determine it is restored to a condition safe for traffic.

Sec. 15. Property tax exempt. The property, both real and personal, rights and franchises of the district are forever exempt from taxation.

Sec. 16. District's acquisition of property of Jackman Water District and Jackman Sewer District. The district acquires, under the terms contained in this Act, all of the plant, properties, assets, franchises, rights and privileges owned by the Jackman Water District, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, 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 district acquires, under the terms contained in this Act, all of the plant properties, assets, franchises, rights and privileges owned by the Jackman Sewer District, including, without limitation, lands, buildings, sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters.

The consideration paid is the assumption by the district of all of the outstanding debts, obligations and liabilities of the Jackman Water District and the Jackman Sewer District, including, without limitation, the assumption by the district of any outstanding notes or bonds of the Jackman Water District and the Jackman Sewer District that are due on or after the date of transfer.

Sec. 17. Jackman Water District and Jackman Sewer District required to sell property to district. The Jackman Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1971, chapter 119, and the Jackman Sewer District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1969, chapter 88, under the terms contained in this Act shall each sell, transfer and convey to the district by appropriate instruments of conveyance all of the Jackman Water District's 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; and all of the plant, properties, assets, franchises, rights and privileges owned by the Jackman Sewer District, including, without limitation, lands, buildings, sewers, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other appliances and property used or usable for collecting, holding, purifying and disposing of sewage matter and waste waters in consideration of the assumption by the district of all of the outstanding debts, obligations and liabilities of the Jackman Water District and the Jackman Sewer District, including, without limitation, the assumption of any outstanding notes or bonds of the Jackman Water District and the Jackman Sewer District that are due on or after the date of transfer.

Sec. 18. Approval of Public Utilities Commission. The transfer by the Jackman Water District of its plant, properties, assets, franchises, rights and privileges and the assumption by the district of all outstanding debts, obligations and liabilities of the Jackman Water District pursuant to sections 16 and 17 and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the 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. 19. Contracts of Jackman Water District and Jackman Sewer District assumed by district. All contracts between the Jackman Water District and the Jackman Sewer District and any person, firm or corporation relating to supplying water or sewer service that are in effect on the date of the transfer by the Jackman Water District and the Jackman Sewer District to the district are assumed and carried out by the district.

Sec. 20. Dissolution and termination of Jackman Water District and Jackman Sewer District; pledge of revenues. If all debts,

obligations and other liabilities of the Jackman Water District and the Jackman Sewer District are 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 of the debts, obligations and other liabilities by the Jackman Water District and the Jackman Sewer District and to the notation and substitution of the district as obligor in place of the Jackman Water District and the Jackman Sewer District, when the transfer of properties pursuant to sections 16 and 17 is complete, the clerks of the Jackman Water District and the Jackman Sewer District shall file a certificate to that effect with the Secretary of State and the corporate existences of the Jackman Water District and the Jackman Sewer District terminate. After filing the certificates with the Secretary of State, the clerks of the Jackman Water District and the Jackman Sewer District shall submit legislation to repeal Private and Special Law 1971, chapter 119, as amended, and Private and Special Law 1969, chapter 88.

Until the corporate existences of the Jackman Water District and the Jackman Sewer District are terminated pursuant to this section, the gross revenues derived by the district from the sale of water and sewer service within the area comprising the 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 Jackman Water District and the Jackman Sewer District assumed by the district pursuant to this Act.

Sec. 21. Existing laws not affected; rights conferred subject to provisions of law. Nothing 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 described 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.

Sec. 22. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Town of Jackman at a special town meeting called and held for the purpose not later than December 31, 1997. The meeting must be called, advertised and conducted according to the law relating to municipal elections.

The sitting boards of trustees of the Jackman Water District and the Jackman Sewer District shall appoint a registrar of voters for the district, who may also be the registrar of voters for the Town of Jackman, and fix the registrar's salary. It is the

registrar's duty to make and keep a complete list of all the eligible voters of the district. The list prepared by the registrar governs the eligibility of any voter. Voters who are residing outside the territorial limits of the district, as defined in its charter, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's list. All warrants issued for elections by the trustees must show that only the voters resident within the territorial limits of the district are entitled to vote. The subject matter of this Act must be reduced to the following question:

"Do you favor creating the Jackman Utility District by the merger of the Jackman Water District and the Jackman Sewer District?"

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

The results must be declared by the municipal officers of the Town of Jackman and due certificate of the results filed by the town clerk with the Secretary of State.

This Act takes effect for all the purposes immediately upon acceptance by a majority of the legal voters voting at the meeting only if the total number of votes cast for and against the acceptance of this Act at the meeting equal or exceed 15% of the total vote for all candidates for Governor cast in the town at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any meeting does not prohibit a subsequent meeting or meetings to be held for the purpose on or before July 1, 1998.

Effective pending referendum.

CHAPTER 31

S.P. 423 - L.D. 1344

An Act to Create the Mt. Blue Standard Water District

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

Whereas, the residents of the Town of Phillips and the Town of Avon are in immediate need of forming a quasi-municipal entity to supply potable water; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Phillips and the Town of Avon starting at a point 44°45'00" north 70°19'30" west, thence northerly to 44°50'30" north, thence westerly to 70°22'30" west, thence southerly to 44°45'00" north, thence easterly to the point of beginning and its inhabitants constitute a standard district under the name Mt. Blue Standard Water District and referred to in this Act as the "district."

Sec. 2. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Pursuant to Title 35-A, section 6403, subsection 2, paragraph D, Mt. Blue Standard Water District is authorized to take and use water from any source of supply within the legal boundaries of the Town of Phillips and the Town of Avon.

The district shall continue to supply potable water to all existing customers of the Phillips Water Company, whether they reside within or outside of the territorial limits described in section 1.

Sec. 3. Number of trustees. The board of trustees of the district is composed of 5 trustees, 4 from the Town of Phillips and one from the Town of Avon. Each trustee must be at least 18 years of age, a resident of the district and reside in a household to which the district's service is provided.

Sec. 4. Appointment of first board. The first board is selected by the municipal officers of the Town of Phillips and the Town of Avon within 6 months of approval of this Act by the legal voters in the district.

Sec. 5. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

Sec. 6. Authorized to acquire property of Phillips Water Company. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 2, paragraph C, the district, through its trustees, may acquire by purchase all or part of the plants, properties, franchises, rights and privileges owned by the Phillips Water Company, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the