

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

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

district. The district may acquire by the exercise of the right of eminent domain, a right expressly delegated to the district for that purpose, all or part of the plants, properties, franchises, rights and privileges except cash assets and accounts receivable owned by the Phillips Water Company, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district, and if and when so acquired, the district, in addition to the powers conferred by this Act, may exercise all rights, privileges and franchises of the Phillips Water Company.

In exercising the right of eminent domain under this section, the trustees shall file with the district clerk a condemnation order that includes a detailed description of the property interests to be taken, the name or names of the owner or owners of record so far as they can be reasonably determined and the amount of damages determined by the trustees to be just compensation for the property or interest taken. The trustees shall serve upon the owner or owners of record a copy of the condemnation order and a check in the amount of the damages awarded and record a certified copy of the condemnation order in the Franklin County Registry of Deeds. In the event of multiple ownership, the check may be served on any one of the owners. Title passes to the district upon service of the order of condemnation and check or upon recordation in accordance with this Act, whichever occurs first. Acceptance and negotiation of the check do not bar an appeal under this Act.

Any person aggrieved by the determination of the damages awarded to owners of property or interest in the property under this section may, within 60 days after service of the condemnation order and check, appeal to the Superior Court of Franklin County. The court shall determine damages by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest when interest is due, and for costs in favor of the party entitled to costs. Appeal from the decision of the Superior Court may be had to the Law Court as in other civil actions.

Sec. 7. 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 within the territory described in section 1 of this Act at an election called for that purpose and held by July 1, 1998. The election must be called by the municipal officers of the respective towns and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of

the proposed district as described in this Act. The list prepared by the registrars governs the eligibility of a voter. Voters who are residing outside the territorial limits of the proposed district, as described in this Act, are not eligible voters and the registrars of voters shall exclude those voters from the registrars' list. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following questions:

Question A. "Do you favor creating the Mt. Blue Standard Water District?"

Question B. "Do you favor allowing the Mt. Blue Standard Water District to purchase the assets of the Phillips Water Company?"

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 Phillips and the Town of Avon and due certificates of the results filed by the clerks with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, provided the referenda are held prior to July 1, 1998.

Sec. 8. P&SL 1891, c. 170, as amended by PL 1965, c. 22, is repealed.

Effective pending referendum.

CHAPTER 32

H.P. 910 - L.D. 1253

An Act to Amend the Charter of the Winterport Sewerage District

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

Whereas, the Winterport Sewerage District immediately requires updated lien procedures in its charter; 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-