

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

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

Effective May 19, 1999.

CHAPTER 21

S.P. 702 - L.D. 1977

An Act to Create the Farmington Falls 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, uninterrupted collection and distribution of water is essential to the health and welfare of inhabitants of Chesterville and Farmington; and

Whereas, the formation of the water district is urgently needed to ensure that the collection and distribution of water is not interrupted; and

Whereas, the water district may apply for and receive grants to ensure uninterrupted water service; 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; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 6 of this Act, that part of the towns of Farmington and Chesterville described as follows: Starting at a point on the northerly side of U. S. Route #2 at its intersection with the Farmington-New Sharon town line, thence southerly along the town line to the Sandy River and continuing in the same line across the river and Thomas Road to a point on the westerly side of an unnamed brook, thence along the westerly side of the brook to the most southerly spring now or formerly owned by the Farmington Falls Water Company, thence northwesterly to the easterly abutment of the Wilson Stream Bridge, also known as the Green Bridge, thence northeasterly to an iron post at the southeast corner of the Blake Cemetery, so-called, thence southeasterly to a point on the aforementioned Farmington-New Sharon town line, thence southerly along the town line a distance of 300 feet to the point of beginning; and its inhabitants constitute a

standard district under the name "Farmington Falls 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.

The district is authorized to take and use water from any source of supply within the legal boundaries of the Town of Farmington and the Town of Chesterville.

The Farmington Falls Standard Water District has the authority to serve customers that reside in New Sharon.

Sec. 3. Number of trustees. The board of trustees of the district is composed of 3 trustees, one from the Town of Chesterville and 2 from the Town of Farmington. A trustee must be 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 Farmington and the Town of Chesterville within 6 months of approval of this Act by the voters in accordance with section 8.

Sec. 5. Terms of trustees. After the selection 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 Farmington Falls 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 Farmington Falls 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 Farmington Falls 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 Farmington Falls 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. A decision of the Superior Court may be appealed to the Law Court as in other civil actions.

Sec. 7. P&SL 1981, c. 86 is repealed.

Sec. 8. 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 a regular or special election called for that purpose. 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, except that the registrars of voters are not required to prepare or the clerks to post new lists of voters. 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 Farmington Falls Standard Water District?"

Question B. "Do you favor allowing the Farmington Falls Standard Water District to purchase the assets of the Farmington Falls 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 Farmington and the Town of Chesterville and due certificate 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, 2000.

Effective pending referendum.

CHAPTER 22

S.P. 724 - L.D. 2044

An Act to Repeal the Charter of the Pleasant River Standard Water District

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

Sec. 1. P&SL 1997, c. 35 is repealed.

See title page for effective date.

CHAPTER 23

H.P. 1459 - L.D. 2091

An Act to Amend the Charter of the Richmond Utilities District

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

Sec. 1. P&SL 1961, c. 154, §14-A, as amended by P&SL 1995, c. 10, §1 and affected by §2, is further amended by amending the first sentence to read:

For accomplishing the purpose of this Act, the district, by vote of its board of trustees, without district vote except as provided, is authorized to borrow money temporarily and to issue its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying necessary expenses and liabilities incurred under the provisions of this Act, and in acquiring properties, paying damages, laying pipes, mains, sewers, drains and conduits, purchasing, constructing, maintaining and operating a water