

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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 P&SL 1981, c. 86 is repealed.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

system and a sewerage system and making renewals, additions, extensions and improvements to such systems and to cover interest payments during the period of construction, the Richmond Utilities District, by votes of its board of trustees, without district vote except as provided, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees determine; except that the total indebtedness of the district may not exceed the sum of \$2,000,000 at any one time outstanding or such other amount as may be established pursuant to section 14-B and in the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, except for the original acquisition of property of Richmond Water Works, for the cost of a water system or sewerage system or part of a water system or sewerage system, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate included in any one financing is \$30,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized must be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Richmond.

Sec. 2. P&SL 1961, c. 154, §14-B is enacted to read:

Sec. 14-B. Debt limit; referendum. Notwithstanding the limitation on total indebtedness established under section 14-A, the trustees of the district may propose a different debt limit and submit that debt limit for districtwide approval in a referendum held in accordance with this section. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the Richmond Utilities District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the trustees and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

The total indebtedness of the district at any one time outstanding may not exceed the sum approved by referendum.

Sec. 3. P&SL 1961, c. 154, §24-A, 2nd paragraph, 8th sentence, as enacted by P&SL 1979, c. 39, §10, is amended to read:

The fee to be charged by the district to the ratepayer for the notice and filing ~~shall~~ may not exceed \$10 ~~and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed the amount established in the Revised Statutes, Title 33, section 751, subsection 12~~ the cost to the district for giving such notice and for filing and recording the certificate of lien.

See title page for effective date.

CHAPTER 24

H.P. 1538 - L.D. 2193

An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent

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

Whereas, the Fort Kent Utility District was created by Private and Special Law 1991, chapter 103; and

Whereas, the district wishes to dissolve its charter and transfer its operations to the Town of Fort Kent; and

Whereas, it is imperative that action be taken as early as possible to allow for continuity of services provided by the Fort Kent Utility 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,