

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

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

CHAPTER 77**H.P. 1848 - L.D. 2586****An Act to Create the Alfred 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 the Town of Alfred; 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, 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, chapter 64, that part of the Town of Alfred described as follows: Beginning at the point of intersection of the Waterboro Road, which is also Route 202, and the Littlefield River, proceeding southeasterly along the southern shore of the river to the intersection of the Biddeford Road, thence diagonally southeasterly to the Kennebunk Road at the point of Tax Map 3, Lot 6 and Lot 7, thence southwesterly to the intersection of Stone Road and the northern shore of Hay Brook, thence southwesterly along the Alfred Town Line to the intersection of the Jordan Spring Road, thence due north to the intersection of the Mast Road and the Sanford Road, thence diagonally in a northeasterly direction to the point of beginning; and its inhabitants constitute a standard district under the name Alfred Water District, 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, Alfred Water District is authorized to take and use water from any source of supply within the legal boundaries of the Town of Alfred.

Sec. 3. Number of trustees; qualifications. The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district

and reside in a household to which the district's service is provided.

Sec. 4. Election of first board. The first board is elected in an election called by the municipal officers of the Town of Alfred within 6 months of approval of this Act by the voters in accordance with section 7.

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 Alfred 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 Alfred 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 Alfred 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 Alfred 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 damages awarded and record a certified copy of the condemnation order in the York 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 York 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.

If the district acquires the plants, properties, franchises, rights and privileges owned by the Alfred Water Company, the district assumes and becomes responsible for all debts and liabilities of that company.

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 December 31, 2000. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Alfred Water District?"

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

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

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters 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, 2001.

Effective pending referendum.



CHAPTER 78

H.P. 1708 - L.D. 2414

**An Act to Support and Expand the
Maine Writing Project**

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**UNIVERSITY OF MAINE
SYSTEM, BOARD OF
TRUSTEES OF THE**

**Educational and General
Activities -University of Maine
System**

All Other \$5,000

Provides funds to support the Maine Writing Project and to expand the project to teachers in diverse geographic and curriculum areas. This amount must be supplemented by funds provided by the University of Maine System in the amount of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project.

**BOARD OF
TRUSTEES OF THE
UNIVERSITY OF
MAINE SYSTEM**

TOTAL \$5,000

**EDUCATION,
DEPARTMENT OF**

Professional Development

All Other (\$5,000)

Deappropriates funds in order to provide additional funds to support the Maine Writing Project.