

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

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

Effective pending referenda.

CHAPTER 47

S.P. 770 - L.D. 1935

An Act To Create the Starboard Water District

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

Whereas, water in the Town of Machiasport has been contaminated from a former radar transmission station and this poses a serious threat to the health and well-being of the inhabitants in the area; and

Whereas, an adequate supply of water is essential to the health and well-being of the inhabitants of the Town of Machiasport; 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 Machiasport described as follows: Beginning at the outlet of Meadow Brook and Larrabee Cove, thence west along Meadow Brook to the northwest corner of Lot 45 (Map 7), thence due south along Lots 45, 45-5, 44 and Lot 45-6 (Map 7) to the northwest corner of Lot 36 (Map 7), thence west and south along Lot 19 (Map 10) to the intersection of Lot 20 (Map 10), thence west, south, and southeast along Lot 20 (Map 10) to the intersection of Lot 21 (Map 10), thence south along Lots 21, 22, 23, 24, and 25 (Map 10) to the intersection of Lot 4 (Map 9), thence west along the southern border of Lots 16 and 17 (Map 9) to the shore of Mill Pond, thence south along the coastline of Little Kennebec Bay to the Point of Maine, thence north along the coastline of Machias Bay to the point of the beginning; and its inhabitants constitute a standard district under the name "Starboard 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 requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64.

Sec. 3. Power to take water. For purposes of its incorporation, the district is authorized to take water from any source in the Town of Machiasport.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 5 trustees.

Sec. 5. Election of first board. The first board is elected in an election called by the municipal officers of the Town of Machiasport within 6 months of approval of this Act by the voters in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

Sec. 6. Terms of trustees. After the election of the first board, trustees are elected to 3-year terms.

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, 2006. The election must be called by the municipal officers of the town and 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 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 Starboard 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 Machiasport 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, 2006.

Effective pending referendum.