

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

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**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2011**

**Sec. 6. Board of trustees.** All the affairs of the water district are managed by a board of trustees composed of 3 members, who are residents and voters in the district. Whenever the term of office of a trustee expires by the trustee's removal from the water district or otherwise, the legal voters of the water district shall elect a successor to serve for a full term of 3 years; and if any other vacancy occurs, it may be filled in like manner for the unexpired term. Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections by secret ballot according to the Maine Revised Statutes, Title 30-A, section 2528. The annual meeting occurs at a time and place designated by the trustees. The annual meeting for the election of officers occurs at a time and place designated by the trustees. As soon as is convenient after the board of trustees has been elected, the trustees shall hold a meeting and organize by the election of a chair and clerk, adopt a corporate seal and choose a treasurer and all other needful officers and agents for the proper management of the affairs of the water district. Each member is entitled to compensation as set by the trustees for the member's services for each and every regular and special meeting of the board at which the member is in attendance. The water district, at any legal meeting of the water district called for the purpose, may adopt such bylaws and provisions, not inconsistent with the Constitution of Maine and laws of this State and of the United States, as the water district may determine expedient and necessary for the good government and regulation of the affairs of the water district, in which case, the bylaws and provisions so adopted apply to the water district as fully, to all intents and purposes, as the other provisions of this Act, subject to alterations and additions, only by a 2/3 vote of all the legal voters of the water district present and voting at a legal meeting of the water district called for the purpose.

**Sec. 3. Current trustees.** Trustees of the Anson Water District serving on the effective date of this Act continue to serve for the terms for which they were elected.

See title page for effective date.

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## CHAPTER 6

### H.P. 657 - L.D. 890

#### An Act To Create the Anson and Madison Water District

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

**Whereas,** the residents of the towns of Madison and Anson are in immediate need of forming a quasi-

municipal regional entity to supply potable water within those towns; 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, paragraphs A and B and subject to section 8 of this Act, the territory and the inhabitants of the Town of Madison and the Town of Anson constitute a standard water district under the name "Anson and Madison Water District," referred to in this Act as "the district."

**Sec. 2. Powers; authority; duties.** Except as otherwise expressly provided in this Act, 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, and is authorized to perform all acts and to do all things necessary or convenient to carry out the purposes and powers provided in this Act or reasonably implied from those purposes and powers.

**Sec. 3. Authority to take water and locate, construct and maintain dams, reservoirs, pipes, aqueducts and other structures and improvements.** Notwithstanding any provision in the Maine Revised Statutes, Title 35-A, section 6404 to the contrary, the district has the power and authority to take, hold and convey water and to locate facilities as set forth in this section. The district is authorized to take, to hold and to convey within the Town of Madison and the Town of Anson and from any part of those towns water from any surface and groundwater source within the towns, including without limitation the Kennebec River, Wesserunsett Lake, also known as Hayden Lake, and Marshall's Pond. Pursuant to Title 35-A, section 6403, subsection 2, paragraph D, the district is authorized to take, to hold and to convey within the Town of Embden water from Hancock Pond, Sand Pond, Black Hill Pond, Mill Stream and Embden Pond and any of the tributary lakes and streams of those ponds and that stream. The district is authorized to erect, maintain and operate dams, reservoirs, gates, hydrants, standpipes and all other structures and improvements necessary or convenient for accomplishing the purposes of this Act and to lay down, maintain and operate pipes, aqueducts and all other structures and improvements necessary or convenient for accumulating, conducting, discharging, distributing and disbursing water, for forming proper reservoirs for those purposes and for accomplishing the purposes of this Act. Pursuant to Title 35-A, sec-

tion 6403, subsection 2, paragraphs F and G, the district is authorized to supply, furnish or otherwise provide water within the Town of Embden pursuant to contract and to construct, locate, acquire, equip, maintain and operate facilities and all other structures and improvements necessary or convenient for accomplishing those purposes. Pursuant to Title 35-A, section 6403, subsection 2, paragraph F, the district is authorized to lay in or through the streets and highways of the Town of Embden, and to maintain, operate, take up, repair and replace all pipes, aqueducts, fixtures and other structures and improvements within the Town of Embden necessary or convenient for accomplishing the purposes of this section.

**Sec. 4. Trustees; how elected; first board; meetings; officers.** All of the affairs of the district must be managed by a board of trustees composed of 7 members: 4 residents of the Town of Madison and 3 residents of the Town of Anson.

**1. First board; nominations and elections.** Notwithstanding any provision in the Maine Revised Statutes, Title 35-A, section 6410, subsections 1, 2, 3 and 4 to the contrary, the nomination, appointment and election of trustees and the appointment and terms of office of the first board of trustees are authorized by this subsection.

The first board of trustees of the district is appointed. Within 30 days after the effective date of this Act, the trustees of the Madison Water District shall appoint 4 trustees who must be residents of the Town of Madison and the trustees of the Anson Water District shall appoint 3 trustees who must be residents of the Town of Anson.

Each trustee appointed from the Town of Madison to the first board serves an initial term specified in the appointment by the trustees of the Madison Water District as follows: one for a term that expires on November 15th of the year that is one year after the year in which the trustee was appointed, one for a term that expires on November 15th of the year that is 2 years after the year in which the trustee was appointed, one for a term that expires on November 15th of the year that is 3 years after the year in which the trustee was appointed and one for a term that expires on November 15th of the year that is 4 years after the year in which the trustee was appointed. Subsequent trustees are elected by vote of the residents of the Town of Madison to 3-year terms in accordance with subsection 3.

Each trustee appointed from the Town of Anson to the first board serves an initial term specified in the appointment by the trustees of the Anson Water District as follows: one for a term that expires on November 15th of the year that is one year after the year in which the trustee was appointed, one for a term that expires on November 15th of the year that is 2 years after the year in which the trustee was appointed and one for a

term that expires on November 15th of the year that is 3 years after the year in which the trustee was appointed. Subsequent trustees are elected by vote of the residents of the Town of Anson to 3-year terms in accordance with subsection 3.

**2. Organization; conduct of business.** Except as otherwise expressly provided in this Act, the organization and powers of the board of trustees must be in accordance with Title 35-A, chapter 64.

Notwithstanding Title 35-A, section 6410, subsection 4, within 30 days after the effective date of this Act, the trustees shall hold a meeting for the purpose of electing a chair, treasurer and secretary from among them to serve for one year and until their successors are elected and qualified.

A quorum of the board of trustees consists of 4 members, 2 from the Town of Anson and 2 from the Town of Madison.

**3. Terms; eligibility requirements; vacancy.** Notwithstanding any provision in Title 35-A, section 6410, subsections 1, 3 and 4 to the contrary, the terms of trustees, eligibility requirements and filling of vacancies are authorized by this subsection. Except for the first board, trustees from the Town of Madison and the Town of Anson serve 3-year terms. The successor of a trustee who is a resident of the Town of Madison must be a resident of the Town of Madison elected by the inhabitants of the Town of Madison. The successor of a trustee who is a resident of the Town of Anson must be a resident of the Town of Anson elected by the inhabitants of the Town of Anson.

When a trustee ceases to be a resident of the town in which the trustee resided when appointed or elected, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this subsection. A trustee is eligible for reelection, but a person who is a municipal officer of the Town of Madison or the Town of Anson is not eligible for appointment or for nomination or election as a trustee.

When the term of office of a trustee expires, the trustee's successor is elected by a plurality vote of the voters of the Town of Madison or the Town of Anson, as applicable. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers of towns. A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the district.

Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections. All elections must be conducted by secret ballot according to Title 30-A, section 2528.

The trustees shall appoint a registrar of voters for the district, who may also be the registrar of voters for any town within the district, and fix the registrar's salary. It is the registrar's duty to make and keep a complete list of all the registered voters resident in the district. The list prepared by the registrar governs the eligibility of a voter. All warrants issued for elections by the trustees must show that only the voters resident within the Town of Madison or the Town of Anson, as applicable, are entitled to vote.

**Sec. 5. Transfer of assets and liabilities of the Madison Water District and the Anson Water District.** The district, through its trustees, shall acquire, in accordance with this section, all of the plants, properties, assets, franchises, rights and privileges of the Madison Water District and the Anson Water District, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes and shall, by appropriate instruments, assume, in accordance with this section, all of the outstanding debts, obligations and liabilities of the Madison Water District and the Anson Water District, including, without limitation, the assumption of any outstanding bonds, notes or other evidences of indebtedness of the Madison Water District and the Anson Water District that are due on or after the date of transfer.

The Madison Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1913, chapter 121, as amended, and the Anson Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1915, chapter 200, as amended, shall, through their respective trustees, assign, transfer and convey to the district by appropriate instruments of conveyance all, and not less than all, of their respective plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the district of all of the outstanding debts, obligations and liabilities of the Madison Water District and the Anson Water District, including, without limitation, the assumption of any outstanding bonds, notes or other evidences of indebtedness of the Madison Water District and the Anson Water District that are due on or after the date of transfer.

The transfer by the Madison Water District and the Anson Water District to the district of their respective plants, properties, assets, franchises, rights and

privileges, the assumption by the district of all of the outstanding debts, obligations and liabilities of the Madison Water District and the Anson Water District pursuant to this section and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Promptly after completion of the transfer and assumption of assets and liabilities pursuant to this section, the Madison Water District and the Anson Water District shall each cause to be filed with the Secretary of State a certificate of dissolution certifying the name of that district and that all assets of that district and all debts, obligations and liabilities of that district have been transferred to the Anson and Madison Water District and that is signed by the chair or presiding trustee of that district and by the clerk, secretary or another officer of that district. Upon the respective filing dates of the certificates of dissolution of the Madison Water District and the Anson Water District, the existence of that district ceases.

Upon dissolution of the Madison Water District and the Anson Water District, the trustees of the Anson and Madison Water District shall submit legislation for introduction to the Legislature to repeal the charters of the Madison Water District and the Anson Water District.

**Sec. 6. 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 referendum called for that purpose and held after May 1, 2011 but within 2 years after the effective date of this Act. Each referendum must be called by the municipal officers of the respective towns and must be held at the regular voting places. The referendum 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. For the purpose of registration of voters, the registrars of voters must be in session the regular workday preceding the referendum. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Anson and Madison Water District and permitting the Anson and Madison Water District to acquire the assets and assume the liabilities of the Madison Water District and the Anson 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 Madison and the Town of Anson and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters of each town voting at the referendum. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years after the effective date of this Act.

If after May 1, 2011, referenda on the question specified in this section are held in accordance with this section and a majority of the legal voters of each town voting at the referenda cast votes in favor of the question and due certificate of the results are filed with the Secretary of State, this Act takes effect when approved.

Effective pending referendum.

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**CHAPTER 7**

**H.P. 440 - L.D. 557**

**An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding**

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

**Whereas,** Private and Special Law 1977, chapter 14 established the Eastport Port Authority to provide vitally needed economic stimulus to the City of Eastport; and

**Whereas,** Private and Special Law 1979, chapter 8 increased the bonding authority of the Eastport Port Authority to \$6,000,000; and

**Whereas,** the federal Internal Revenue Service has determined that Eastport Port Authority as currently constituted does not qualify as a "political subdivision" under the Internal Revenue Code for purposes of issuing tax-exempt bonds; and

**Whereas,** the ability to exercise its current bonding authority on a tax-exempt basis will assist the Eastport Port Authority to improve and expand its facilities and contribute to job creation and economic development in Washington County; 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. P&SL 1977, c. 14, last ¶,** as amended by P&SL 1993, c. 82, §1, is further amended to read:

The directors are the administrative officers of the authority and may employ assistants as they may consider necessary to carry out this Act. They shall make plans to obtain title to the wharf or wharves, or locations for the wharf or wharves, and they have the authority to acquire, construct, operate, maintain, repair and replace piers, terminals, industrial parks and transportation and warehouse facilities, roads, railways and other facilities on the land and in the waters within the limits of the City of Eastport, as will in their judgment improve and increase the harbor, docking and warehousing facilities in the City of Eastport and enter into contracts for administration, operations, management and consulting services within and beyond the boundaries of the City of Eastport. ~~With the consent of the Eastport city council, or a vote of a majority of the Eastport city council, the~~ The authority may take or acquire within the limits of the City of Eastport, real property by purchase or otherwise, by gift or grant, or by the exercise of the right of eminent domain, which right is expressly delegated to the Eastport Port Authority, and hold the real property and rights and easements to the real property as the directors may from time to time consider necessary for the purpose of constructing and maintaining the Eastport Port Authority piers, docks and warehouses, highways and other port facilities, and ~~have has~~ the right to construct suitable buildings, filling stations, and restaurants or engage in other business opportunities that are not in direct competition with established businesses, and ~~have has~~ the authority to lease the same, upon the terms as the directors or a majority of the directors may determine to be in the best interests of the authority, the proceeds from leases to accrue to the credit of the Eastport Port Authority. These wharves, buildings and property are exempt from taxation by the City of Eastport, except that this exemption does not exempt any lessee or person in possession, other than the port authority, from taxes or assessments payable under the Maine Revised Statutes, Title 36, section 551. The Port Authority has the right to acquire property without the approval of the city council, except that the property so acquired may not be exempted from taxation. The authority shall render annually, at the end of the fiscal year, an annual report to the city council, showing financial reports, together with recommendations and plans for the improvement and operation of facilities. The board of directors has the power to establish bylaws and all rules and regulations governing the operation and maintenance of facilities under the control of the Eastport Port Authority; charge such fees as may, in their judgment, be necessary for parking, docking and storage privileges; or contract for the construction of the wharf or wharves; or warehouse or