

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Create a Utility District in Edgecomb**

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

**Sec. 1. Territorial limits; corporate name, purpose.** The inhabitants and territory of the Town of Edgecomb constitute a body politic and corporate under the name of Edgecomb Utility District, referred to in this Act as “the district,” for the purpose of supplying the Town of Edgecomb and the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes and for the purpose of supplying the town and inhabitants and others within the territory of the district with sewer services.

**Sec. 2. Powers and authority as water utility.** Except as otherwise expressly provided in this charter, the district, for the purposes of performing the functions of a water utility, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a standard water district under the Maine Revised Statutes, Title 35-A, chapter 64.

**Sec. 3. Powers as sewer district.** Except as otherwise expressly provided in this charter, the district, for the purposes of supplying the town and inhabitants and others within the territory of the district with sewer services, has all the powers, rights, privileges and authority and is subject to all the requirements and restrictions of a sanitary district formed under the Maine Revised Statutes, Title 38, chapter 11, except that sections 1062, 1101, 1102, 1103, 1104, 1105, 1106 and 1162 do not apply to the district.

**Sec. 4. Additional powers.** The district has the authority to contract with other water districts, sewer districts and sewer departments for the provision of water service and wastewater treatment.

**Sec. 5. Contracts of town.** All water and wastewater contracts and leases and any other obligations between the Town of Edgecomb and any person, firm or corporation relating to supplying water or sewer services that are in effect on the date of the transfer pursuant to section 9 by the Town of Edgecomb to the district are assumed and carried out by the district.

**Sec. 6. Number of trustees.** The board of trustees of the district is composed of 3 trustees. A trustee must be at least 18 years of age and a registered voter of the Town of Edgecomb.

**Sec. 7. First board.** The first board is appointed by the municipal officers of the Town of Edgecomb in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

**Sec. 8. Terms of trustees.** After the appointment of the first board of trustees of the district, trustees are appointed to 3-year terms.

**Sec. 9. Acquisition of property of Town of Edgecomb.** The district, through its trustees, may acquire by purchase the water-related and wastewater-related plants, property, assets and franchises owned by the Town of Edgecomb that are used or usable in supplying water and sewer service within the district.

**Sec. 10. Effective date.** 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 town meeting called for that purpose and held by July 1, 2010. The meeting must be called by the municipal officers of the town and be held at the regular voting places. The meeting 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 meeting. The subject matter of this Act is reduced to the following:

"To see if the Town will vote to create the Edgecomb Utility District and permit the district to acquire the water and wastewater assets of the Town of Edgecomb"

The results must be declared by the municipal officers of the Town of Edgecomb 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 acceptance by a majority of the legal voters voting at the town meeting. Failure to achieve the necessary approval by a majority of voters at a town meeting does not prohibit subsequent warrant articles consistent with this section, provided the town meetings are held prior to July 1, 2010.

See title page for effective date, unless otherwise indicated.