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An Act To Establish the Columbia Falls Village 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 health, safety and convenience of the customers of the Allen Water Company require adequate and affordable water service, and immediately creating authority to establish through a referendum vote the Columbia Falls Village Water District may be the means of ensuring such service; 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 Columbia Falls described as follows: beginning at a point 2,500 feet south of the intersection of Main Street and Point Street; thence westerly 250 feet; thence northerly to the center line of Main Street; thence northeasterly along the center line of Main Street to the brook; thence northerly along the brook to Pleasant River; thence following the Pleasant River to a point due east of the point of beginning; thence due west to the point of beginning; and its inhabitants constitute a standard water district under the name of Columbia Falls Village 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, except as otherwise provided in this Act.

Sec. 3. Power to take water. For purposes of its incorporation, the district is authorized to use the water on property owned by the district and has the authority to negotiate for water outside the district but within the Town of Columbia Falls.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 3 trustees. Trustees must be residents within the district.

Sec. 5. Election of first board. The first board of trustees of the district is appointed by the municipal officers of the Town of Columbia Falls. 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 appointment of the first board, trustees are elected to 3-year terms.

Sec. 7. Acquisition of property of Allen Water Company. The district, through its trustees, may acquire by purchase the plants, properties, assets, franchises, rights and privileges owned by the Allen Water Company, including, without limitation, all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools, treatment systems, treatment facilities and pump stations and all apparatus and appliances used or usable in supplying water within the district.

Sec. 8. Assumption of debts. On the date of purchase of the property of the Allen Water Company by the district pursuant to section 7, the district shall assume all of the outstanding debts, obligations and liabilities of the company, including, without limitation, the assumption by the district of any outstanding notes or bonds of the company that are due on or after the date of purchase. If the debt, obligations, liabilities, notes or bonds are not assumable, then the district is otherwise obligated for their repayment.

Sec. 9. Transfer of contracts, permits and licenses. All contracts between the Allen Water Company and any person, firm or corporation that are in effect on the date of purchase pursuant to section 7 are assumed and must be carried out by the district. All permits and licenses held by the company that are in effect on the date of purchase pursuant to section 7 are assumed by the district.

Sec. 10. Approval of Public Utilities Commission. The sale and transfer by the Allen Water Company to the district of its plants, properties, assets, franchises, rights and privileges and the assumption by the district of the company's outstanding debts, obligations and liabilities 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 under the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 11. Referendum; 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 an election called for that purpose and held within 2 years of the effective date of this Act. 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 Columbia Falls Village Water District and permitting it to acquire assets of the Allen Water Company?"

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 Columbia Falls 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 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 within 2 years of the effective date of this Act.

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

Effective pending referendum.