

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

Amend the bill in section 2 by striking out all of the last sentence (page 1, lines 21 to 23 in L.D.)

Amend the bill by striking out all of section 3 and inserting the following:

‘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 the Maine Revised Statutes, Title 35-A, section 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 the Maine Revised Statutes, 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.’

Amend the bill in section 5 by striking out all of subsection 1 and inserting the following:

‘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 date on which this Act takes effect for all purposes pursuant to section 8 of this Act, the trustees of the Madison Water District shall appoint 3 trustees who must be residents of the Town of Madison, the trustees of the Anson Water District shall appoint 3 trustees who must be residents of the Town of Anson and the municipal officers of the Town of Embden shall appoint one trustee who must be a resident of the Town of Embden.

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 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. 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. The trustee appointed from the Town of Embden to the first board serves for an initial term that expires on November 15th of the year that is one year after the year in which the trustee was appointed.

When the term of office of a trustee from the Town of Madison or from the Town of Anson expires, the trustee's successor is elected at large by a plurality vote of the voters of the district. For the purpose of election, a special election must be called by the trustees and held on the date of a statewide election held in the month of November in the year in which the term of office of the trustee expires or, if there is no statewide election in November that year, on a date established by the trustees between November 1st and November 14th in the year in which the term of office of the trustee expires.

When the term of office of a trustee from the Town of Embden expires, the municipal officers of the Town of Embden shall appoint a successor trustee who must be a resident of the Town of Embden and who serves for a term that expires on November 15th of the year after the year in which the term of the predecessor trustee expires.'

Amend the bill in section 5 by striking out all of subsection 4 and inserting the following:

'4. Terms; eligibility requirements; vacancy. Notwithstanding any provision in the Maine Revised Statutes, 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. Trustees from the Town of Madison and the Town of Anson serve 3-year terms. The appointed trustee from the Town of Embden serves a one-year term. 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 district. 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 district. A trustee elected in anticipation of the expiration of the term of a trustee serves for a term that expires on November 15th of the year that is 3 years after the year in which that trustee was elected. If the office of a trustee becomes vacant, the vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the district. When any trustee ceases to be a resident of the town in which the trustee resided when appointed or when nominated and 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.'

SUMMARY

This amendment makes the following changes to the bill.

1. It removes the provision in the bill that authorizes the Hancock Pond Water District to provide sewerage services.

2. It makes technical changes to clarify language and to correct cross-references to the Standard Water District Enabling Act within several sections of the bill, specifically in the section regarding the powers of the district to take water, construct and maintain necessary infrastructure and to supply water and in the section regarding the board of trustees, including the nomination and election of trustees, the first board, terms of office and eligibility requirements.

FISCAL NOTE REQUIRED

(See attached)