

§6109. Sale of land by consumer-owned water utility

The following provisions govern the sale or transfer by a consumer-owned water utility of land or property owned by that water utility for the purposes of providing a source of supply, storing water or protecting sources of supply or water storage, including reservoirs, lakes, ponds, rivers and streams, land surrounding or adjoining reservoirs, lakes, ponds, rivers or streams, wetlands and watershed areas. [PL 1989, c. 685 (NEW); PL 1989, c. 733, §1 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

1. Notice of proposed sale. A consumer-owned water utility shall, at least 8 months prior to the sale of land under this section, give notice of that proposed sale to the commission. The utility shall provide additional notice as prescribed by rule by the commission as follows.

A. Notice must be given to the municipality or municipalities where the land is located. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

B. One notice must be given to each of the customers of the consumer-owned water utility in a manner prescribed by the commission. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

C. Notice must be published in a newspaper of general circulation in the area encompassed by the consumer-owned water utility. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]
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2. Time of sale. Land subject to the provisions of this section may not be sold within the first 8 months after notice of the proposed sale has been given to the commission unless all or part of that time period is waived by the commission for good cause shown. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

3. Sale at a price below market value. The trustees of a consumer-owned water utility may sell land to the State, an agency of the State, a municipality or other governmental body, or a private nonprofit organization at a price below market value. Land purchased under this subsection must be used for:

A. The purposes of retaining or protecting the natural scenic or open-space values of the property; [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

B. Assuring the availability of the property for recreational or open-space use; [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

C. Protecting natural resources; or [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

D. Maintaining or enhancing air or water quality. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

The sale of consumer-owned water utility land pursuant to this subsection may not be considered unreasonable or imprudent solely by reason of its sale at a price below market value. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

4. Rules. The commission may promulgate rules to implement this section, including, but not limited to, rules governing the authority of the ratepayers of the consumer-owned water utility to endorse or prohibit the sale of land by a consumer-owned water utility under this section and to prohibit or endorse any condition of that sale. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

5. Right of first refusal. The municipality in which the land is located shall have the right of first refusal to purchase any land that lies within that municipality's boundaries and is offered for sale under this section. That right is assignable by the municipality. [PL 1989, c. 685 (NEW); PL 1989, c. 878, Pt. F, §4 (RPR).]

SECTION HISTORY

PL 1989, c. 685 (NEW). PL 1989, c. 733, §1 (NEW). PL 1989, c. 878, §F4 (RPR).

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