

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1165 - L.D. 1747

An Act to Repeal and Replace the Charter of the Yarmouth Water District**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. P&SL 1923, c. 72, as amended by P&SL 2011, c. 8, §§1 and 2, is repealed and the following enacted in its place:

Sec. 1. Territorial limits, corporate name and purposes. This Act may be known and cited as "the Charter of the Yarmouth Water District." The territory and the people constituting the Town of Yarmouth and the Town of North Yarmouth in the County of Cumberland and State of Maine constitute a body politic and corporate under the name of the Yarmouth Water District, referred to in this Act as "the district," subject to adoption by the people in the territory as provided in this Act. The purpose of the district is to supply the inhabitants of the district with potable water for domestic, agricultural, commercial, industrial, sanitary and municipal purposes and to protect the watershed of the district's water supply for the benefit of the inhabitants within the district.

Sec. 2. Source of supply; authorized to erect dams, lay pipes, provide power and communications, etc.; may hold or purchase real estate; contracts. For any of the purposes set forth in this Act, or for the preservation and potability of its water, the district is authorized to take and use water from the Royal River; from any spring, pond, brook, aquifer or other source of water in the Town of Yarmouth and the Town of New Gloucester, except that the use of any source of water in the Town of New Gloucester by the district is allowed only after approval by a joint body of an equal number of representatives from both the district's board of trustees and the municipal officers of the Town of New Gloucester; or from any spring, brook, pond or aquifer or other source of water in the Town of North Yarmouth or the Town of Cumberland and to purchase water from any other water district or company. The district is authorized to conduct and distribute water through the Town of Cumberland and to conduct and distribute water into and through the Town of Yarmouth and the Town of North Yarmouth; to survey for, locate, construct, lay, erect and maintain suitable dams, wells, reservoirs, pumping stations, treatment plants and machinery, pipes, mains, aqueducts, conduits, communications, cables, wires and other necessary structures, equipment, fixtures and appurtenances; and to carry its pipes or aqueducts under, in and over the Royal River or under, in, along, over or

through any water course or body of water, bridge, street, railroad, highway or other way. The district is authorized to enter upon and excavate any street, highway or other way, in such manner as to least disturb that way, and shall leave those ways in as safe and passable condition as before the excavation; to enter, pass over and excavate any lands and to take and hold by purchase or otherwise any real estate, personal property and rights-of-way or of water; and in general to do any acts necessary, convenient or proper for carrying out any of the purposes specified in this section. The district is further authorized, for the purpose of making all needed repairs or extensions or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same or dig therein and to communicate with any structure and equipment. The district may not render service in territory served or authorized to be served by any other water utility unless consent to such service is first obtained from the Public Utilities Commission. The district may supply water to any other water utility for resale or any other lawful purposes. The district may contract to accomplish anything described in this section. The district, through its trustees, in order to carry out the purposes of its incorporation, may contract with persons, districts, municipalities, utilities, corporations or other lawful entities. All incidental powers, rights and privileges necessary to the accomplishment of the objectives set forth in this Act are granted to the district, including without limitation the right to receive grants or other aid from state and federal agencies for any purpose set forth in this Act.

Sec. 3. Right of eminent domain conferred. For effecting and carrying out the purposes of its incorporation, the district is authorized to take and hold as for public uses, by purchase, lease, eminent domain or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, plants and works; for flowage, power, pumping and supplying its water supply through its mains; for reservoirs and standpipes; for preserving and protecting the potability of the water and related watershed; for laying and maintaining aqueducts and other structures; for taking, distributing, discharging and disposing of water; and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands. It is further authorized to erect, construct and maintain dams, power stations, reservoirs, mains, aqueducts, structures and roadways necessary and convenient for its purposes. Except as otherwise provided by law, the district may not take by right of eminent domain any property or facilities of any other public utility used or acquired for future use in the performance of a public duty.

Sec. 4. Adjustments of damages. The district is liable to pay all damages that are sustained by any person or corporation by the taking of any land, water or other property or by excavating through any land for the purpose of laying down pipes and aqueducts or building any reservoir, standpipe or other structure authorized to be built pursuant to this Act and also damages for any injury resulting from those acts. If any person sustaining damages as described in this section and the district cannot mutually agree upon the sum to be paid for those damages, the damages may be ascertained in the same manner and under the same conditions and restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways in the Maine Revised Statutes, Title 23, chapter 3.

Sec. 5. Title of certain property of Town of Yarmouth and of Town of North Yarmouth vested in district. The title to the land, plant, property and franchises, rights and privileges, including all lands, waters, water rights, dams, reservoirs, pipes, standpipes, machinery, fixtures, hydrants, tools, apparatus and appliances, bills

receivable and accounts receivable owned by the Town of Yarmouth and used or capable of being used for the purpose of maintaining a public water supply, became vested in the Yarmouth Water District and became the property of the district on March 22, 1923, the effective date of Private and Special Law 1923, chapter 72. The district acquired all of the plant, properties, assets, franchises, rights and privileges owned by the North Yarmouth Water District, including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used and useful or capable in supplying water for domestic, sanitary, commercial, industrial and municipal purposes on August 7, 1990, which is the later of the date of a referendum vote by a majority of the legal voters of North Yarmouth accepting dissolution of the North Yarmouth Water District and the acquisition of its property by the district and the date of a ratification vote by the district's board of trustees, both held in accordance with Private and Special Law 1989, chapter 111.

Sec. 6. Procedure as to crossing of public utility. If the district, in constructing, maintaining or replacing any of its facilities, must cross any property of another public utility, the district must obtain the consent of the other public utility and undertake the work in accordance with conditions established by agreement. If, within 30 days after requesting consent, the district fails to reach an agreement with the public utility, the district may petition the Public Utilities Commission to determine the time, place and manner of the crossing. All work done on the property of the public utility must be done under the supervision and to the satisfaction of the public utility or as prescribed by the Public Utilities Commission. All work must be done at the expense of the district.

Sec. 7. Board of trustees. All the affairs of the Yarmouth Water District are managed by a board of trustees composed of 5 trustees, 4 of whom are elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of Yarmouth and one of whom is elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of North Yarmouth. The number of trustees must be adjusted after each federal census is completed and apportioned between the Town of Yarmouth and the Town of North Yarmouth to correspond to the percent of metered services in each town, except that each town must have at least one trustee.

Sec. 8. Trustees: how elected; terms; vacancies; general powers and duties. There must be a total of 5 trustees from the Town of Yarmouth and the Town of North Yarmouth, apportioned as provided in section 7, except that those trustees who are serving on the effective date of this Act continue to serve until the expiration of their terms. The trustees shall serve for staggered terms of 3 years.

1. Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections that apply to secret ballot elections under the Maine Revised Statutes, Title 30-A, section 2528, notwithstanding a town's failure to accept the secret ballot method of voting. When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the town represented by that trustee. 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 by death, resignation or removal is filled in the same manner for the unexpired term as set forth above, except that, if the remaining

unexpired term is less than 15 months, a successor trustee must be appointed by the municipal officers of the town represented by the vacating trustee.

The trustees shall appoint a registrar of voters for each town in 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 residing in each town in the district. The list prepared by the registrar governs the eligibility of any voter. Voters who are residing outside the territorial limits of the district are not eligible voters, and the registrar of voters shall exclude those voters from the registrar's lists. All warrants issued for elections by the trustees must show that only the voters residing within the territorial limits of either or both the Town of Yarmouth and the Town of North Yarmouth in the district are entitled to vote.

2. When a trustee ceases to be a resident of the town in the district that the trustee was elected to represent, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this section. Upon election as trustee, that trustee is immediately ineligible to serve in any elected municipal office. All trustees are eligible for reelection or reappointment, but a person holding municipal office is not eligible for election as trustee. For the purposes of this subsection, "a person holding municipal office" means a municipal officer as defined in the Maine Revised Statutes, Title 30-A, section 2001, subsection 10.

3. The trustees shall elect a chair, a treasurer and a clerk together with such other officers and agents as they consider necessary for the proper conduct of their affairs. The trustees may elect an employee of the district to serve as clerk or treasurer, but not as chair. The trustees, from time to time, may choose and employ and fix the compensation of any other necessary officers and agents, who serve at the pleasure of the trustees. The treasurer shall furnish bond in the sum and with sureties approved by the trustees. The district shall pay the cost of the bond.

4. The trustees may adopt and establish bylaws consistent with the laws of this State and necessary for the convenience and the proper management of the affairs of the district and perform other acts within the powers delegated by law to the trustees.

5. The trustees shall determine the times and places of their regular meetings, which must be held within the district, and may have special or emergency meetings at any time as called by the chair or by a majority of the trustees.

6. The trustees must be sworn to the faithful performance of their duties, including the duties of a member who serves as clerk or clerk pro tem. The trustees shall publish an annual report that includes a report of the treasurer.

7. Business of the district must be conducted in accordance with the applicable provisions of the Freedom of Access Act.

8. A quorum of the board of trustees consists of the total number of authorized trustees divided by 2 and, if necessary to obtain a whole number, the resulting number rounded up to the next whole number. All decisions of the board of trustees must be made by a majority of those trustees present and voting at that meeting.

9. The trustees receive such compensation, if any, as the district at any regular or special meeting determines, as long as notice of that purpose is included in the call for the meeting; notwithstanding the Maine Revised Statutes, Title 35-A, section 6401, subsection

2, Title 35-A, section 6410, subsection 7 does not apply to the district's determination of trustee compensation.

10. Persons who were not trustees prior to January 1, 1987 and who are not full-time employees of the district are not eligible to become members of the Maine Public Employees Retirement System as a result of their selection as trustees. For purposes of determining a trustee's eligibility to be a member of the Maine Public Employees Retirement System prior to January 1, 1987, the provisions of the appropriate governing private and special law in effect at the time of the trustee's application for membership controls.

11. The trustees may obtain an office and incur necessary expenses.

12. For a period of 18 months following the conclusion of a trustee's term on the board, the former trustee is not eligible to hold a compensated or appointed position of the district, including the position of general manager.

Sec. 9. General manager. The board of trustees shall appoint a general manager, who is responsible for the execution of the orders of the board of trustees and the administration of all district entities, services and functions. The general manager shall present to the board of trustees the full annual district budget for the board's review, oversight and endorsement prior to a public presentation. The general manager's presentation to the board of trustees must include the review of all budgetary requests including personnel compensation and final budgetary determinations and appropriations for all district operations and functions. Notwithstanding section 8, subsection 8, ratification of the budget requires a majority vote of the full board.

Sec. 10. Contracts of town to be assumed by district; district is quasi-municipal corporation. All valid contracts and obligations of the Town of Yarmouth issued for the purpose of supplying the inhabitants of the town with water must be assumed and carried out by the district, and all contracts between the North Yarmouth Water District and any person, firm or corporation relating to supplying water that were in effect on the date of the transfer by the North Yarmouth Water District to the district under Private and Special Law 1989, chapter 111 are assumed and carried out by the district. The district is hereby declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30-A, section 2351, and the property of the district is exempt from taxation. All incidental powers, rights and privileges necessary for the accomplishment of this section are granted to the district.

Sec. 11. Authority to borrow money. For accomplishing the purposes of this Act, the district, through its trustees, without district vote, is authorized to borrow money from time to time, temporarily or for long terms, and to issue for that borrowing the interest-bearing negotiable bonds and notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part to pay necessary expenses and liabilities incurred in accordance with those purposes, including, but not limited to, refunding any bond, note or other debt of the district and for the purpose of establishing a fund or funds for those purposes. For the purpose of obtaining or providing money to pay any necessary expenses and liabilities incurred in the creation of the district, or for a required municipally subsidized expansion, in securing sources of supply and taking water and land, in paying damages, laying pipes, mains, aqueducts and conduits and in constructing, maintaining and operating a water plant or system and making renewals,

extensions, additions and improvements to the same, the district through its trustees may from time to time issue negotiable notes and bonds of the district. Notes and bonds under this section must be in an amount necessary in the judgment of the trustees, maturing at one time or in uniform or varying installments, with or without provisions for calling the same for payment before maturity, and in case of such call provisions with or without providing for the payment of a premium not exceeding 5% of the principal upon such call. The notes and bonds are legal obligations of the district, and the notes and bonds are legal investments for savings banks.

Sec. 12. Payment of rates; purposes for which revenue used; sinking fund.

All individuals, firms and corporations, whether public, private or municipal, shall pay to the treasurer of the district the rates established by the board of trustees for the water service used with respect to their real estate, and the rates must be established in accordance with the Maine Revised Statutes, Title 35-A, chapter 61 and must be uniform within the district. The rates must be established to be sufficient to provide revenue to the district to carry out the purposes of its incorporation without the need for any financial assistance from either the Town of Yarmouth or the Town of North Yarmouth other than the normal payment of water charges for services rendered, including, but not limited to, the following purposes:

1. To pay the current running expenses for operating and maintaining the water system and provide for such extensions and renewals as may become necessary, except when such extensions have been provided for by an issue of bonds. The trustees may use the revenue from rates to make extensions unless it has done so by an issue of bonds;

2. To provide for payment of interest on the indebtedness of the district; and

3. To provide each year a sum equal to not less than 1% and not more than 4% of the entire indebtedness of the district, which sum must be turned into a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund must be devoted to the retirement of the obligations of the district or invested in such securities as provided for in this Act or otherwise authorized under state law, except that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued matures and is retired each year.

If any surplus remains at the end of the year, it may be turned into the sinking fund.

The district may lien real estate, foreclose and collect unpaid rates in accordance with Title 35-A, chapter 61.

Sec. 2. Existing rights not affected; rights conferred subject to Maine Revised Statutes. Nothing in this Act is intended to affect any rights under existing law; however, upon approval by the voters of the district at a referendum as provided in section 3 of this Act, section 1 of this Act repeals and replaces Private and Special Law 1923, chapter 72, as amended. All the rights and duties under this Act must be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes.

Sec. 3. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Yarmouth and the Town of North Yarmouth at elections called for that purpose and held within 2 years of the effective date of this Act. The elections must be called, advertised and conducted according to the law relating to municipal elections, including, notwithstanding

a municipality's failure to adopt secret ballot voting, the Maine Revised Statutes, Title 30-A, section 2528, and excepting that the registrars of the Town of Yarmouth and the Town of North Yarmouth are not required to prepare or the clerks to post a new list of voters. For the purpose of registration of voters, the registrars 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 repealing and replacing the Charter of the Yarmouth 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 Yarmouth and the Town of North Yarmouth and due certificate of the results filed by the clerks 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 each election. 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 of the effective date of this Act.

Charter¹
Yarmouth Water District

Sec. 1. Territorial limits, corporate name and purposes. The territory and the people constituting the Towns of Yarmouth and North Yarmouth in the county of Cumberland and state of Maine, are constituted a body politic and corporate under the name of the Yarmouth Water District, subject to adoption by the people of the territory as hereinafter provided. The purpose of the district is supplying the inhabitants with pure water for domestic, agricultural, commercial, industrial, sanitary and municipal purposes. (P & S Laws 1923, c. 72; Amended: P & S Laws 1957, c. 205; P & S Laws 1989, c. 111)

Sec. 2. Source of supply; authorized to erect dams, lay pipes, etc.; may hold or purchase real estate. For any of the purposes set forth in this Act, or for the preservation and purity of its water, the district is authorized to take and use water from the Royal River, or from any spring, pond, brook or other source of water in the Town of Yarmouth and the Town of New Gloucester, except that the use of any source of water in the Town of New Gloucester by the district will be allowed only after approval by a joint body of equal number of representatives from both the Yarmouth Water District Board of Trustees and the municipal officers of the Town of New Gloucester, or from any springs, brook, pond or other source of water in the Town of North Yarmouth or the Town of Cumberland, or to purchase from any other water district or company; to conduct water through the Town of Cumberland and to conduct and distribute water into and through the Town of Yarmouth and the Town of North Yarmouth; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under, in and over the Royal River, so called, or under or over any

¹ Incorporated:

P&SL 1923, c. 72

Amended:

P&SL 1949, c. 106;

P&SL 1957, c. 205;

P&SL 1975, c. 48;

P&SL 1989, c. 111;

P&SL 1993, c. 32;

P&SL 2011, c. 8.

water course or body of water, bridge, street, railroad, highway or other way; and the district is further authorized to enter upon and excavate any highway or other way, in such manner as to least disturb that way, and shall leave those ways in as safe and passable condition as before the excavation; to enter, pass over and excavate any lands, and to take and hold by purchase or otherwise, any real estate, rights of way or of water, and in general to do any acts necessary, convenient or proper for carrying out any of the purposes specified in this section. And said district is further authorized, for the purpose of making all needed repairs or extensions or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same or dig therein. Said district shall not render service in territory served or authorized to be served by any other water utility unless consent to such service be first obtained from the public utilities commission. (P & S Laws 1923, c. 72; Amended: P & S Laws 1957, c. 205)

Sec. 3. Right of eminent domain conferred. The said district for effecting and carrying out the purposes of its incorporation is authorized to take and hold as for public uses, by purchase, eminent domain or otherwise, any land or interest therein, or water rights necessary for erecting and maintaining dams for flowage and power for pumping its water supply through its mains, for reservoirs or stand pipes, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, for taking, distributing and disposing of water, and for rights of way or roadways to its sources of supply, its dams, power stations, reservoirs, mains, aqueducts, structures and lands, and it is further authorized to erect, construct and maintain dams, power stations, reservoirs, mains, aqueducts, structures and roadways necessary and convenient for its purposes. (P & S Laws 1923, c. 72)

Sec. 4. Adjustments of damages. Said district shall be held liable to pay all damages that shall be sustained by any person or corporation by the taking of any land, water or other property, or by excavating through any land for the purpose of laying down pipes and aqueducts or building any reservoir, stand pipe, or other structures herein authorized to be built, and also damages for any injury resulting from said acts, and if any person sustaining damages as aforesaid and said district cannot mutually agree upon the sum to be paid therefor, such damages may be ascertained in the same manner and under the same conditions and restrictions and

limitations as are by law prescribed in the case of damages by the laying out of highways. (P & S Laws 1923, c. 72)

Sec. 5. Title of certain property of town of Yarmouth to vest in district when act becomes effective. At the time this act takes effect the title to the land, plant, property and franchises, rights and privileges, including all lands, waters, water rights, dams, reservoirs, pipes, stand pipes, machinery, fixtures, hydrants, tools, apparatus and appliances, bills receivable and accounts receivable owned by the town of Yarmouth and used or capable of being used for the purpose of maintaining a public water supply, shall vest in the Yarmouth Water District and become the property of the said district. (P & S Laws 1923, c. 72)

Sec. 6. Procedure as to crossing of railroads. In case of any crossing of railroad, unless consent is given by the company owning or operating such railroad, as to place, manner and conditions of the crossing, within thirty days after such consent is requested by such district, the public utilities commission shall, upon petition setting forth a description of said premises and the reasons for said crossing after notice given as said commission may prescribe, determine the place, manner and conditions of such crossing, and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of said railroad company, but at the expense of said district. (P & S Laws 1923, c. 72)

Sec. 7. Board of trustees provided for. All the affairs of the Yarmouth Water District shall be managed by the board of trustees composed of 5 members, 4 of whom are elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of Yarmouth and one of whom is elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of North Yarmouth. The number of trustees must be adjusted after each federal census is completed and apportioned between Yarmouth and North Yarmouth trustees to correspond to the percent of metered services in each town, except that each town shall have at least one trustee. (P & S Laws 1923, c. 72; Amended: P & S Laws 1989, c. 111)

Sec. 8. Trustees, how elected; terms; vacancies; general powers and duties. After the adoption of this act as hereinbefore provided, a meeting of said district for the election of a board of trustees may be called at a time and place designated by any five persons who are entitled to vote at any meeting of the said district. Said notice shall specify the time and place of meeting and shall be posted in three or more conspicuous places within said district. A notice of said meeting shall also be advertised in any newspaper published in said county. There must be 5 trustees from the Town of Yarmouth and from the Town of North Yarmouth, apportioned as provided in section 7. The trustees shall serve for terms of 3 years.

In case of a vacancy by death, resignation or removal a meeting of the district shall be called by giving notice as aforesaid for the election of a successor. Said board shall choose their chairman and a clerk who shall keep the records of said district. The trustees may adopt a seal and such by-laws as are necessary for their convenience and for the proper management of the affairs of the district. They shall receive such compensation, if any, as the district at any regular or special meeting may determine, providing notice of such purpose shall be included in the call for the meeting.

The trustees shall determine the times and places of their regular meetings which shall be held within said district and may have special meetings at any time by agreement or notice sent to the other trustees by any member of said board. Regular meetings of the district must be held at a time and place to be determined by the board of trustees, and special meetings must be called at any time by the trustees or any member of the board of trustees upon a written request of any 30 lawful voters of the district. Said notice of such meeting shall specify the purpose to be transacted.

The trustees shall choose annually a treasurer to serve for a term of 1 year, fix the treasurer's salary and fill vacancies in that office. The treasurer shall be subject to removal at any time by vote of the board of trustees. The treasurer shall furnish a bond to the satisfaction and approval of the trustees, the expense of said bond to be borne by the district.

Special meetings of the district may be called by the trustees by posting a copy of the warrant or notice in 3 conspicuous places in the district and by advertising once in a newspaper published in the county, all at least 7 days prior to the date of the meeting. Said notice shall set forth in separate articles the purposes for which the meeting is called. Fifteen voters of the district shall constitute a legal quorum for any regular or special meeting of the district. (P & S

Laws 1923, c. 72; Amended: P & S Laws 1949, c. 106; P & S Laws 1989, c. 111; P & S Laws 2011, c. 8)

Sec. 9. Contracts of town to be assumed by the district; district a quasi-municipal corporation. All valid contracts and obligations of the town of Yarmouth issued for the purposes of supplying the inhabitants of said town with water shall be assumed and carried out by the Yarmouth Water District. Said district is hereby declared to be a quasi-municipal corporation within the meaning of section one hundred and five of chapter fifty-one of the revised statutes of nineteen hundred and sixteen, and the property of said district shall be exempt from taxation. All incidental powers, rights and privileges necessary for the accomplishment of the object herein set forth are granted to the district hereby created. (P & S Laws 1923, c. 72)

Sec. 9A. Authority to borrow money. For accomplishing the purposes of this act, said district, through its trustees, without district vote, is authorized to borrow money from time to time, temporarily or for long terms, and to issue therefor the interest-bearing negotiable bonds and notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any bonds, notes or other debt of the district and for the purpose of establishing a fund or funds therefor, and for the purpose of obtaining or providing money to pay any necessary expenses incurred in the creation of the district, in securing sources of supply and taking water and land, in paying damages, laying pipes, constructing and maintaining a water plant and making extensions, additions and improvements to the same, said district through its trustees may from time to time issue negotiable notes and bonds of the district, to an amount necessary in the judgment of the trustees therefor, maturing at 1 time or in uniform or varying instalments, with or without provisions for calling the same for payment before maturity, and in case of such call provisions with or without providing for the payment of a premium of not exceeding 5% of the principal upon such call. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation with the meaning of sections 132 and 133 of Chapter 49 of the revised statutes of 1944. The said notes and bonds shall be legal investments for savings banks. (P & S Laws 1949, c. 106)

Sec. 10. Payment of rates; purposes for which revenue shall be used; sinking fund.

All individuals, firms and corporations, whether public, private or municipal, shall pay to the said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the district. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current running expenses for operating and maintaining the water system and provide for such extensions and renewals as may become necessary, except where such extensions shall have been provided for by an issue of bonds as authorized in section 42 of chapter 40 of the revised statutes of 1944 and acts amendatory thereof. The trustees may use the revenue from rates to make extensions unless it has done so by an issue of bonds. (P & S Laws 1923, c. 72; Amended: P & S Laws 1949, c. 106)

2. To provide for payment of interest on the indebtedness of the district. (P & S Laws 1923, c. 72)

3. To provide each year a sum equal to not less than one or more than four per cent of the entire indebtedness of the district, which sum shall be turned into a sinking-fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking-fund shall be devoted to the retirement of the obligations of the district, or invested in such securities as savings banks are allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking-fund, issue the bonds of the district so that not less than one per centum of the amount of the bonds so issued shall mature and be retired each year. (P & S Laws 1923, c. 72)

4. If any surplus remains at the end of the year, it may be turned into the sinking fund. (P & S Laws 1949, c. 106)

Sec. 11. Provision for local referendum. This act shall take effect when approved by a majority vote by ballot of the inhabitants of the town of Yarmouth at a town meeting held not

later than the first day of October, nineteen hundred and twenty-three, called as provided by law. (P & S Laws 1923, c. 72)

Sec. 12. Source of supply of school for feeble minded protected. Nothing herein shall interfere with or in any way curtail the right of the state to take its supply of water for the school for Feeble Minded at Pownal from Royal river, or its right to use said Royal river at all times for the drainage of sewerage from said school, and buildings used therewith. (P & S Laws 1923, c. 72)

Sec. 13. Existing statutes not affected; rights conferred subject to Chapter 40 of the revised Statutes. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute. All the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter 40 of the revised statutes of 1944 and acts amendatory thereof and additional thereto. (P & S Laws 1923, c. 72; Amended: P & S Laws 1949, c. 106)

Sec. 14. Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved. (P & S Laws 1923, c. 72)

See also P&SL 1989, c. 111, Sections 4-13 (attached) as to Yarmouth Water District's acquisition of North Yarmouth Water District and dissolution of North Yarmouth Water District.

mental and economic costs and benefits of alternative energy resource plans;

2. Investigate and describe various regulatory methods to incorporate environmental and economic impacts in the consideration of alternative energy resource plans, including a review of the methods used in other states. The analysis must address the following with respect to each method:

- A. The statutory and regulatory structure into which the method was introduced;
- B. The administrative procedures used, including a description of the process, the participants and the nature of their participation, the burden of the process on the regulatory authority and the participants, the time and resources consumed in the process and the effectiveness of the process;
- C. The effects of implementation of each method on electric rates; and
- D. The resulting environmental and economic benefits to ratepayers and the State; and

3. Develop and describe the specific elements of a proposed method to incorporate environmental and economic impacts in the State's energy planning process and a plan for implementation of the method, including:

- A. The administrative procedures and process;
- B. An assessment of the burdens and costs on participants in the process;
- C. The effects on ratepayers; and
- D. The environmental and economic benefits to ratepayers and the State.

Sec. 3. Consultation and cooperation with other agencies. In conducting this analysis, the Public Utilities Commission shall consult with the State Planning Office, the Department of Environmental Protection, the Public Advocate, electric utilities, customers of electric utilities, environmental organizations and developers of alternative energy resources.

Sec. 4. Report. The Public Utilities Commission shall report its findings to the Joint Standing Committee on Utilities by April 1, 1991. A copy of that report must be submitted to the Office of the Executive Director of the Legislative Council. If the commission concludes that it should have the authority to add environmental and economic impacts to the elements the commission currently considers in its regulation of electric energy planning, the commission shall submit a plan that describes the manner in which the commission proposes to implement the policy. The report must also be accompanied by legislation to implement the plan.

Sec. 5. Assistance. The Public Utilities Commission may contract for services to complete this analysis.

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

Effective April 6, 1990.

CHAPTER 111

H.P. 1665 - L.D. 2305

An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth Water District

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

Whereas, the North Yarmouth Water District presently provides water service to the North Yarmouth area residents; and

Whereas, because of its size the North Yarmouth Water District is unable to afford the services of a full-time manager or to hire full-time maintenance personnel; and

Whereas, this problem would be solved by combining the functions and assets of the North Yarmouth Water District with the Yarmouth Water District; 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 1923, c. 72, §1, as amended by P&SL 1957, c. 205, §1, is further amended to read:

Sec. 1. Territorial limits, corporate name and purposes. The territory and the people constituting the ~~Town~~ Towns of Yarmouth and North Yarmouth in the County of Cumberland and State of Maine are ~~hereby~~ constituted a body politic and corporate under the name of the Yarmouth Water District, subject to adoption by the people of ~~said~~ the territory as hereinafter provided. The purpose of ~~said~~ the district is ~~the~~ supplying of the inhabitants ~~thereof~~ with pure water for domestic, agricultural, commercial, industrial, sanitary and municipal purposes.

Sec. 2. P&SL 1923, c. 72, §7 is amended to read:

Sec. 7. Board of trustees provided for. All the affairs of ~~said~~ the Yarmouth Water District shall be man-

aged by the board of trustees composed of ~~three~~ 5 members ~~to be~~, 4 of whom are elected by the lawful voters of ~~said the district who shall be such as~~ are qualified to vote at any regular meeting of the ~~town~~ Town of Yarmouth and one of whom is elected by the lawful voters of the district who are qualified to vote at any regular meeting of the Town of North Yarmouth. The number of trustees must be adjusted after each federal census is completed and apportioned between Yarmouth and North Yarmouth trustees to correspond to the percent of metered services in each town, except that each town shall have at least one trustee.

Sec. 3. P&SL 1923, c. 72, §8, 4th, 5th and 6th sentences are repealed and the following enacted in their place:

There must be 5 trustees from the Town of Yarmouth and from the Town of North Yarmouth, apportioned as provided in section 7. The trustees shall serve for terms of 3 years.

Sec. 4. P&SL 1957, c. 131, as amended, is repealed.

Sec. 5. Yarmouth Water District required to acquire property of North Yarmouth Water District. The Yarmouth Water District acquires, under the terms contained in this Act, all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the North Yarmouth Water District including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The consideration paid for them is the assumption by the Yarmouth Water District of all of the outstanding debts, obligations and liabilities of the North Yarmouth Water District including, without limitation, the assumption by the Yarmouth Water District of any outstanding notes or bonds of the North Yarmouth Water District that are due on or after the date of transfer.

Sec. 6. North Yarmouth Water District required to sell property to the Yarmouth Water District. The North Yarmouth Water District, a quasi-municipal corporation organized and existing under Private and Special Law 1957, chapter 131, under the terms contained in this Act, sells, transfers and conveys to the Yarmouth Water District by appropriate instruments of conveyance all, but not less than all, of its plant, properties, assets, franchises, rights and privileges including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Yarmouth Water District of all of the outstanding debts, obligations and liabilities of the North

Yarmouth Water District including, without limitation, the assumption of any outstanding notes or bonds of the North Yarmouth Water District that are due on or after the date of transfer.

Sec. 7. Approval of Public Utilities Commission. The sale and transfer by the North Yarmouth Water District to the Yarmouth Water District of its plants, properties, assets, franchises, rights and privileges and the assumption by the Yarmouth Water District of all the outstanding debts, obligations and liabilities of the North Yarmouth Water District, under sections 5 and 6; and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the Yarmouth Water District within the limits of the Town of North Yarmouth are subject to the approval of the Public Utilities Commission as required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 8. Contracts of North Yarmouth Water District assumed by Yarmouth Water District. All contracts between the North Yarmouth Water District and any person, firm or corporation relating to supplying water that are in effect on the date of the transfer by the North Yarmouth Water District to the Yarmouth Water District are assumed and carried out by the Yarmouth Water District.

Sec. 9. Dissolution and termination of North Yarmouth Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the North Yarmouth Water District have been paid in full and discharged or the holders or owners of all such debts, obligations and other liabilities which have not been paid in full and discharged have assented to the assumption thereof by the Yarmouth Water District and to the novation and substitution of the Yarmouth Water District as obligor in respect thereto in place of the North Yarmouth Water District, and when the transfer of property pursuant to section 6 is completed, the clerk of the North Yarmouth Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the North Yarmouth Water District terminates. Until the corporate existence of the North Yarmouth Water District is terminated under this section, the gross revenues derived by the Yarmouth Water District from the sale of water within the area comprising the former limits of the district must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the North Yarmouth Water District assumed by the Yarmouth Water District under this Act.

Sec. 10. Acts void, unless property of North Yarmouth Water District is acquired. If the plant, properties, assets, franchises, rights and privileges owned by the North Yarmouth Water District have not been acquired by the Yarmouth Water District pursuant to this Act prior to December 31, 1990, this Act becomes void on that date.

Sec. 11. Transition. Trustees serving in the Yarmouth Water District on the effective date of this Act shall continue to serve for the remainder of the terms for which they were elected.

Sec. 12. Referendum. This Act shall be submitted to the legal voters of the Town of North Yarmouth, voting at a regular or special election called and held before or within 6 months after passage of this Act. This election shall be called, advertised and conducted according to the law relating to municipal elections, except that the selectmen of each town are not required to prepare nor the town clerk of each town to post a new list of voters, and for the purpose of registration of voters the registrar in each town be in session the 3 secular days next preceding the elections, the first 2 days to be devoted to registration of voters and the last day to enable the registrars to verify the corrections of the lists and to complete and close their records of the sessions. The town clerk of North Yarmouth shall reduce the subject matter of this Act to the following question:

"Shall the North Yarmouth Water District be dissolved and the Yarmouth Water District acquire the assets and liabilities of the North Yarmouth Water District?"

This Act shall also be submitted to the Trustees of the Yarmouth Water District for a ratification vote at any trustees meeting.

This Act shall not take effect unless accepted by the Trustees of the Yarmouth Water District and by a majority of the legal voters of North Yarmouth voting at the election.

The results of the election shall be declared by the municipal officers of the Town of North Yarmouth and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Sec. 13. Retroactivity; effective date. Sections 1 to 3 and sections 5 to 12 of this Act take effect March 7, 1990, and are retroactive to that date. Section 4 of this Act takes effect when the Secretary of State receives valid notice of dissolution and termination pursuant to section 9.

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

Effective April 6, 1990.

CHAPTER 112

S.P. 746 - L.D. 1950

An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket

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

Whereas, the Town of East Millinocket requests the annexation of adjacent lands for the proper operation of municipal government, including road maintenance, public safety, and utilities management; and

Whereas, in the judgment of the Legislature facts create an emergency within the meaning of the Constitution of Maine and require the following action as immediately necessary for the preservation of public peace, health and safety; now, therefore,

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

Sec. 1. One lot or parcel of land; annexation to the Town of East Millinocket. The following parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the north town line of East Millinocket at the center or thread of Dolby Pond (Flowage); thence easterly by and along the north town line a distance of one thousand nine hundred (1,900) feet, more or less, to the northwest corner of the Town of East Millinocket; thence southerly by and along the west town line of East Millinocket a distance of two and one-quarter (2-1/4) miles, more or less, to a point in the center or thread of the West Branch of the Penobscot River; northwesterly by said center or thread a distance of three-quarter (3/4) miles, more or less, to the center or thread of Dolby Pond (Flowage); thence easterly by and along the center or thread of Dolby Pond (Flowage) a distance of one and three-quarter (1-3/4) miles, more or less, to the beginning. Said parcel contains 521 acres, more or less.

Sec. 2. One lot or parcel of land; annexation to the Town of East Millinocket. The following parcel of land bounded and described as follows and situated adjacent to the Town of East Millinocket in Penobscot County is annexed to the Town of East Millinocket:

Beginning at a point on the west town line of East Millinocket at the center of the thread of the West Branch of the Penobscot River and immediately before that west town line turns southeasterly; thence southerly by the center or thread of the West Branch of the Penobscot River; thence southerly by the west town line of East Millinocket a distance of two thousand five hundred ninety eight (2,598) feet, more or less, to the south township line of East Millinocket; thence easterly by and along the township line of East Millinocket a distance of thirteen thousand eight hundred sixty (13,860) feet, more or less, to the west town line of East Millinocket.