

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 the Lincolnville Sewer District

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

Sec. 1. Territorial limits; corporate name; purpose. The territory of the Town of Lincolnville described as follows: Beginning at a point on the shore of the Atlantic Ocean at the ferry terminal 44° 16' 49.4826" latitude and -69° 0' 21.4128" longitude; thence in a southwesterly direction 44° 16' 40.7856" latitude and -69° 0' 36.9390" longitude to Route 1 at Dickenson; thence in a northwesterly direction 44° 17' 9.1032" latitude and -69° 0' 58.3740" longitude to Route 173; thence in a northeasterly direction 44° 17' 18.1284" latitude and -69° 0' 30.3336" longitude to Route 1 at Windsor Chair; thence in a southeasterly direction 44° 17' 12.8904" latitude and -69° 0' 18.4328" longitude to the shore of the Atlantic Ocean; thence southerly along the shore to the point of beginning; and its inhabitants constitute a body politic and corporate under the name of Lincolnville Sewer District, referred to in this Act as "the district," for the purpose of supplying the town and its inhabitants and others within the territory of the district with sewer services.

Sec. 2. Powers as sewer district. Except as otherwise expressly provided in this Act, the district, for the purposes of supplying the Town of Lincolnville and its 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 and any notice of impending automatic foreclosure issued by the district pursuant to section 1208 must bear the name "Lincolnville Sewer District" in all appropriate locations.

Sec. 3. Powers and authority as water utility. Except as otherwise expressly provided in this Act, 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. 4. Additional powers. The district has the authority to provide water and wastewater service to the customers of the district and to residents in the Town of Lincolnville outside the territory described in section 1.

Sec. 5. Number of trustees. The board of trustees of the district is composed of 3 trustees. Trustees must be residents and voters of the Town of Lincolnville.

Sec. 6. First board. The first board is appointed by the municipal officers of the Town of Lincolnville in accordance with this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 38, section 1105.

Sec. 7. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are elected to 3-year terms.

Sec. 8. Eminent domain. The district has no eminent domain authority outside the district.

Sec. 9. Town responsibility. Except for the initial appointment of the board of trustees and the initial referendum, the Town of Lincolnville is not responsible for any acts of the district.

Sec. 10. 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 a town meeting called for that purpose and held by July 1, 2012. The meeting must be called by the municipal officers of the Town of Lincolnville and be held at the regular voting place. 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 question:

"Do you favor creating the Lincolnville Sewer District?"

The results must be declared by the municipal officers of the Town of Lincolnville 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 referenda consistent with this section, as long as the town meetings are held prior to July 1, 2012.

SUMMARY

This bill creates the Lincolnville Sewer District.