



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1703

H.P. 1255

House of Representatives, December 23, 2011

### An Act To Create the New Gloucester Water District

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative ESPLING of New Gloucester.  
Cosponsored by Senator SNOWE-MELLO of Androscoggin and  
Representative: Speaker NUTTING of Oakland.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** hydrocarbon, salt and chloride contamination has been identified in New  
4 Gloucester's Upper Village and this poses a serious threat to the health and well-being of  
5 the inhabitants of the area; and

6           **Whereas,** an adequate supply of pure water is essential to the health and well-being  
7 of the inhabitants of the Town of New Gloucester; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

13           **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine Revised  
14 Statutes, Title 35-A, chapter 64, that part of the Town of New Gloucester described as  
15 follows and its inhabitants constitute a standard district under the name "New Gloucester  
16 Water District," referred to in this Act as "the district": Beginning at the intersection of  
17 Bald Hill Road and I-95, southeast along Bald Hill Road to the intersection with Sawyer  
18 Road. North along Sawyer Road to the northwest corner of Map 10 Lot 43. Southeast  
19 along the property line to the south corner of Map 10 Lot 43-C, located on the west side  
20 of Lewiston Road. North along Lewiston Road to the north corner of Map 10 Lot 63-A,  
21 located on the east side of Lewiston Road. Southeast along the property line to the east  
22 corner of Map 10 Lot 65, located on the west side of Peacock Hill Road. Across Peacock  
23 Hill Road to the southwest corner of Map 10 Lot 72, located on the east side of Peacock  
24 Hill Road. Southeast along the property line to the northeast corner of Map 11 Lot 21,  
25 including that portion of Map 10 Lot 72 extending below the north property line of Map  
26 11 Lot 21. Southwest along the property line to the southeast corner of Map 11 Lot 79,  
27 located on the north side of Gilmore Road. Southeast along Gilmore Road to the  
28 intersection with Hatch Road. Southwest along Hatch Road to the intersection with Rowe  
29 Station Road. Southeast along Rowe Station Road to the intersection with Hobbs Drive.  
30 Southwest along Hobbs Drive to the southeast corner of Map 11 Lot 8-A2. West along  
31 the south property line of Map 11 Lot 8-D to the southwest corner of Map 11 Lot 8-D,  
32 located on the east side of Intervale Road. Northwest along Intervale Road to the east  
33 corner of Map 11 Lot 16. Southwest along the property line to the south corner of Map 11  
34 Lot 17. Northwest along the property line to the west corner of Map 11 Lot 20-A, located  
35 on the east side of Lewiston Road. North along Lewiston Road to the southeast corner of  
36 Map 18 Lot 20-A, located on the west side of Lewiston Road. Northwest along the  
37 property line to the southwest corner of Map 10 Lot 84, located on the east side of Snow  
38 Hill Road, and including that portion of Map 6 Lot 48 located north of the south property  
39 line of Map 10 Lot 8-A. West across Snow Hill Road to the south corner of Map 10 Lot  
40 10-C, located on the west side of Snow Hill Road. Northwest along the property line to  
41 the Royal River. Southwest along the Royal River to the intersection with I-95. North  
42 along I-95 to the point of the beginning located at the intersection of Bald Hill Road.

1           **Sec. 2. Powers; authority; duties.** The district has all the powers and authority  
2 and is subject to all the requirements and restrictions provided in the Maine Revised  
3 Statutes, Title 35-A, chapter 64 except as otherwise provided in this Act and is authorized  
4 to perform all acts and to do all things necessary or convenient to carry out the purposes  
5 and powers provided in this Act or reasonably implied from those purposes and powers.

6           **Sec. 3. Power to take water and locate, construct and maintain**  
7 **reservoirs, pipes and other structures and improvements.** The district is  
8 authorized to take water from any surface or groundwater source within the territory  
9 described in section 1 of this Act and to hold and to convey water within the territory  
10 described in section 1 of this Act. The district may also, for the purposes of its  
11 incorporation, locate, construct and maintain pipes, wells, reservoirs, pumping stations,  
12 treatment plants and other necessary structures and equipment and take any action  
13 necessary to furnish water for those purposes and for the public health, safety, comfort  
14 and convenience of the inhabitants and others of the district.

15           **Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3  
16 trustees. A trustee must be a resident of the Town of New Gloucester but need not reside  
17 in a household to which the district's service is provided.

18           **Sec. 5. First board.** The first board is appointed by the municipal officers of the  
19 Town of New Gloucester in accordance with this Act. The terms of the first board are  
20 governed by the Maine Revised Statutes, Title 35-A, section 6410.

21           **Sec. 6. Terms of trustees.** After the appointment of the first board, trustees are  
22 elected to 3-year terms.

23           **Sec. 7. Emergency clause; referendum; effective date.** This Act takes effect  
24 when approved only for the purpose of permitting its submission to the legal voters  
25 within the territory described in section 1 of this Act at an election called and held for that  
26 purpose, except that this Act takes effect immediately upon its approval if the following  
27 question has been approved by a majority of the legal voters within the territory described  
28 in section 1 of this Act at a referendum called and held prior to approval of this Act.  
29 Even if the municipality has not accepted the secret ballot voting, the election must be  
30 called, advertised and conducted according to the law relating to municipal elections,  
31 including the Maine Revised Statutes, Title 30-A, section 2528, except that the registrar  
32 of voters is not required to prepare or the clerk to post a new list of voters. For the  
33 purposes of registration of voters, the registrar of voters must be in session the secular  
34 day preceding the election. The subject matter of this Act is reduced to the following  
35 question:

36                            "Do you favor creating the New Gloucester Water District?"

37           The voters shall indicate by a cross or check mark placed against the word "Yes" or  
38 "No" their opinion of the same.

39           The results must be declared by the municipal officers of the Town of New  
40 Gloucester and due certificate of the results filed by the clerk with the Secretary of State.

