

JAN 26 '12

19

STATE OF MAINE

BY GOVERNOR

P &amp; S LAW

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

—  
H.P. 1255 - L.D. 1703

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

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

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

**Whereas**, in order to secure necessary funding to address the contamination of water in New Gloucester's Upper Village, the Town of New Gloucester has had to schedule in January of 2012 a vote on the creation of a water district, which could occur before this legislation is approved, and this legislation must take effect as close to the vote as possible to effectuate the formation of the water district; and

**Whereas**, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the Town of New Gloucester; 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. Territorial limits; corporate name.** Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of New Gloucester described as follows and its inhabitants constitute a standard district under the name "New Gloucester Water District," referred to in this Act as "the district": Beginning at the intersection of Bald Hill Road and I-95, southeast along Bald Hill Road to the intersection with Sawyer Road. North along Sawyer Road to the northwest corner of Map 10 Lot 43. Southeast along the property line to the south corner of Map 10 Lot 43-C, located on the west side of Lewiston Road. North along Lewiston Road to the north corner of Map 10 Lot 63-A, located on the east side of Lewiston Road. Southeast along the property line to the east corner of Map 10 Lot 65, located on the west side of Peacock Hill Road. Across Peacock Hill Road to the southwest corner of Map 10 Lot 72, located on the east side of Peacock

Hill Road. Southeast along the property line to the northeast corner of Map 11 Lot 21, including that portion of Map 10 Lot 72 extending below the north property line of Map 11 Lot 21. Southwest along the property line to the southeast corner of Map 11 Lot 79, located on the north side of Gilmore Road. Southeast along Gilmore Road to the intersection with Hatch Road. Southwest along Hatch Road to the intersection with Rowe Station Road. Southeast along Rowe Station Road to the intersection with Hobbs Drive. Southwest along Hobbs Drive to the southeast corner of Map 11 Lot 8-A2. West along the south property line of Map 11 Lot 8-D to the southwest corner of Map 11 Lot 8-D, located on the east side of Intervale Road. Northwest along Intervale Road to the east corner of Map 11 Lot 16. Southwest along the property line to the south corner of Map 11 Lot 17. Northwest along the property line to the west corner of Map 11 Lot 20-A, located on the east side of Lewiston Road. North along Lewiston Road to the southeast corner of Map 18 Lot 20-A, located on the west side of Lewiston Road. Northwest along the property line to the southwest corner of Map 10 Lot 84, located on the east side of Snow Hill Road, and including that portion of Map 6 Lot 48 located north of the south property line of Map 10 Lot 8-A. West across Snow Hill Road to the south corner of Map 10 Lot 10-C, located on the west side of Snow Hill Road. Northwest along the property line to the Royal River. Southwest along the Royal River to the intersection with I-95. North along I-95 to the point of the beginning located at the intersection of Bald Hill Road.

**Sec. 2. Powers; authority; duties.** The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64 except as otherwise provided in this Act.

**Sec. 3. Number of trustees.** The board of trustees of the district is composed of 3 trustees. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, a trustee must be a resident of the Town of New Gloucester but need not reside in a household to which the district's service is provided.

**Sec. 4. First board.** The first board is appointed by the municipal officers of the Town of New Gloucester in accordance with this Act. Trustees of the first board must be appointed within 45 days of the effective date of this Act. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410.

**Sec. 5. Terms of trustees.** After the appointment of the first board, trustees are elected to 3-year terms in accordance with the Maine Revised Statutes, Title 35-A, section 6410.

**Sec. 6. Emergency clause; 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 an election called and held for that purpose, except that this Act takes effect for all purposes immediately upon its approval if a majority of the legal voters within the territory described in section 1 of this Act voting at a referendum held after January 9, 2012 and prior to approval of this Act vote in favor of the question specified in this section. Even if the municipality has not accepted the secret ballot voting, the election must be called, advertised and conducted according to the law relating to municipal elections, including the Maine Revised Statutes, Title 30-A, section 2528. For the purposes of registration of voters, the registrar 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 creating the New Gloucester 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 New Gloucester and due certificate of the results filed by the clerk with the Secretary of State.

If a referendum is not held after January 9, 2012 and before approval of this Act or a referendum is held between those dates but a majority of the legal voters within the territory described in section 1 of this Act do not vote in favor of the question specified in this section, this Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at an election held at a later date. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section.