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Private & Special Law

123rd Legislature

First Regular Session

Chapter 11

H.P. 1165 - L.D. 1656

An Act To Amend the Fryeburg Water District Charter

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

Whereas, the health, safety and convenience of the customers of the Fryeburg Water Company require adequate and affordable water service; 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 2005, c. 14, §3, first ¶ is amended to read:

Sec. 3. Additional powers. The district is authorized to enter into contracts with appropriate entities to arrange for, or provide, continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district to the extent permitted under and in accordance with applicable laws and rules. The district is also authorized to provide continued service to existing customers of the Fryeburg Water Company who are located outside the territory of the district. The district is authorized to own transmission mains, distribution pipes, service pipes, pumping equipment and other property pertinent to the operation of a water utility located in East Conway, New Hampshire.

Sec. 2. P&SL 2005, c. 14, §8, first ¶ is amended to read:

Sec. 8. District authorized to acquire property and franchises of Fryeburg Water Company. The district, through its trustees, may acquire by purchase the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges owned by the Fryeburg Water Company, located within the district and located in East Conway, New Hampshire, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district or in East Conway, New Hampshire. The district is authorized to acquire by purchase the common stock of the Fryeburg Water Company as long as the stock is acquired for the sole purpose of allowing the district to acquire the Fryeburg Water Company. The district may acquire by the exercise of the right of eminent domain, a right expressly delegated to the district for that purpose, the Fryeburg Water Company and the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Fryeburg Water Company,

including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the district. Except as otherwise expressly provided in this section and in furtherance of the acquisition of the Fryeburg Water Company pursuant to this section, the district may also acquire by the exercise of the right of eminent domain any tangible or intangible personal property that represents or constitutes an ownership interest in the company by another person or entity.

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

Effective May 10, 2007.