

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2041

8 H. P. 2119 House of Representatives, March 1, 1982
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 27.

9 Referred to the Committee on Public Utilities. Sent up for concur-
rence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MacEachern of Lincoln.

10
11 **STATE OF MAINE**
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT to Amend the Charter of the**
17 **Lincoln Water District.**
18

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

20 **Sec. 1.** P&SL 1949, c. 116, §1 is amended to read:

21 **Sec. 1.** Territorial limits; corporate name; pur-
22 **poses.** That part of the The town of Lincoln in the county
23 of Penobscot and the people and territory within the same
24 ~~known as Township 2 and Township 3~~ shall be, and hereby are,
25 constituted a public municipal corporation under the name of
26 the "Lincoln Water District" for the purpose of supplying
27 the inhabitants of said town or any part of said town with
28 pure water for domestic, sanitary and municipal purposes.

29 Provided, however, that it shall not construct any sys-
30 tem of pipe lines or development, without first having sub-
31 mitted its plans to the public utilities commission, and
32 obtained its advice therefor in writing, under power vested
33 in said commission by section 13 of chapter 40 of the

1 revised statutes of 1944 Department of Human Services and
2 the Public Utilities Commission, as provided in the Revised
3 Statutes, Title 22, chapter 601, subchapter II, and the
4 Revised Statutes, Title 35, section 13.

5 Sec. 2. P&SL 1949, c. 116, §2, as amended by P&SL
6 1973, c. 190, §1, is further amended to read:

7 Sec. 2. Powers of said Lincoln Water District. The
8 said district, for the purposes of its incorporation, is
9 hereby authorized to take, hold, divert, use and distribute
10 water from any lake, pond, river, surface or underground
11 brook, spring or vein of water in said town of Lincoln or
12 elsewhere, for public purposes and for the health, comfort
13 and convenience of the inhabitants of said district.

14 Sec. 3. P&SL 1949, c. 116, §3, first ¶, as amended by
15 P&SL 1973, c. 190, §2, is further amended to read:

16 The said district, for the purposes of its incorporation, is
17 hereby authorized to take and hold as for public uses, real
18 estate and personal estate, and any interest therein neces-
19 sary for such purposes, by purchase, lease or otherwise, and
20 is hereby authorized to exercise the right of eminent
21 domain, as hereinafter provided, to acquire for such pur-
22 poses any land or interest therein or water rights necessary
23 for erecting and maintaining dams, plants and works, for
24 flowage, for power, for pumping, for supplying water through
25 its mains, for reservoirs, for preserving the purity of the
26 water and watershed, for laying and maintaining mains, aque-
27 ducts and other structures for taking and, distributing,
28 discharging and disposing of water, for forming basins and
29 reservoirs, for the erection of buildings for pumping works
30 for use therein, for laying pipes and maintaining same, and
31 for laying and maintaining conduits for carrying, collect-
32 ing, discharging and disposing of water, for filtering,
33 rectifying, treating and disposal plants, works and facili-
34 ties water, for such other objects necessary, convenient and
35 proper for the purposes of its incorporation, and for
36 rights-of-way or roadways to its sources of supply, dams,
37 power stations, reservoirs, mains, aqueducts, structures,
38 plants, works, facilities and lands.

39 Sec. 4. P&SL 1949, c. 116, §8, last sentence is
40 amended to read:

41 During his term of office, no selectman town council member
42 of said town of Lincoln shall serve as a member of the board
43 of trustees of the district.

1 Sec. 5. P&SL 1949, c. 116, §9 is amended to read:

2 Sec. 9. Trustees; how elected; meetings; officers;
3 vacancies filled for the unexpired term. The 1st board of
4 trustees shall be appointed by the municipal officers of the
5 town of Lincoln within 10 days after the acceptance of this
6 act by the voters of said district, 1 to serve until the 1st
7 annual meeting of the district, 1 until the 2nd, and 1 until
8 the 3rd such meeting. Thereafter, 1 One member shall be
9 appointed by the municipal officers of the town of Lincoln
10 at the time of each annual meeting to serve for a term of 3
11 years. As soon as convenient after their appointment, the
12 trustees first appointed shall hold a meeting at some con-
13 venient place in the district, to be called by any member
14 thereof, in writing, designating the time and place, and
15 delivered in hand to the other 2 members not less than 2
16 full days before the meeting; provided, however, that they
17 meet by agreement and waiver without such notice. They
18 shall then organize by the election of a ~~chairman~~ chairper-
19 son and clerk from their own number, adopt a corporate seal
20 and ~~by-laws~~ bylaws, and perform any other acts within the
21 powers delegated to them by law. As necessary, they may
22 choose agents and other needful officers who shall serve at
23 their pleasure, and whose compensation shall be fixed by
24 said trustees. They shall choose annually every 3 years a
25 treasurer to serve for a term of ~~1 year~~ 3 years, fix the
26 treasurer's salary, which shall in no case exceed \$200 per
27 year, and fill vacancies in that office. The treasurer
28 shall furnish a bond, issued in such sum by a surety company
29 as the trustees may approve, and the expense of securing the
30 bond is to be borne by the district. Members of the board
31 shall be eligible to any office under the board, but shall
32 not receive compensation therefor, except as trustee, unless
33 authorized by vote of the municipal officers of the town of
34 Lincoln.

35 The compensation of the trustees shall not exceed \$50
36 each per year, unless otherwise provided by vote, as above
37 defined. The trustees shall receive compensation as recom-
38 ended by them and approved by a majority of the town
39 councillors of the town of Lincoln. Said compensation shall
40 not exceed \$1,000 each per year.

41 The trustees shall be sworn to the faithful performance
42 of their duties as such, which shall include the duties of
43 any member as clerk or clerk pro tempore. They shall make
44 and publish an annual report, which shall also contain a
45 report of the ~~treasurer~~ treasurer. Meetings will be held at
46 such times and at such places as set out in the bylaws of
47 the Lincoln Water District.

1 Sec. 6. P&SL 1949, c. 116, §10 is amended to read:

2 Sec. 10. Annual meeting of district; qualification of
3 voters of district. After the acceptance of this charter
4 and the organization of the board, the annual meeting of the
5 district shall be held within the district on the 1st ~~Monday~~
6 Tuesday of March, at such hour and place as may be desig-
7 nated by resolution of the board of trustees as provided in
8 the ~~by-laws~~ bylaws. Notice thereof, signed by the ~~chairman~~
9 chairperson or clerk of the board, shall be conspicuously
10 posted in 2 public places within the district, not less than
11 7 days before the meeting. Special meetings may be called
12 by the board in like manner at any time, and notice of spe-
13 cial meetings shall state the business to be transacted
14 thereat. ~~Thirty-five voters qualified to vote in such meet-~~
15 ~~ings shall constitute a quorum. If for any reason a legally~~
16 ~~sufficient annual meeting is not held on the above date, a~~
17 ~~meeting in lieu thereof may be called in like manner to be~~
18 ~~held within 2 months from said date.~~

19 All persons resident in said district and qualified to
20 vote for governor under the laws of this state shall be
21 entitled to vote in at any meeting hearing of the district,
22 including the meeting for acceptance of this charter.

23 Sec. 7. P&SL 1949, c. 116, §11 is amended to read:

24 Sec. 11. Trustees granted certain powers of Town
25 Councillors. After the meeting of the voters of the dis-
26 trict for acceptance of this charter, and after After the
27 organization of the board under the provisions of section 9,
28 the trustees shall have the same powers and perform the same
29 duties as otherwise are exercised and performed by the
30 selectmen councillors of towns in correcting and preparing
31 lists of the persons qualified to vote in said district, and
32 for that purpose they shall be in session at the place desig-
33 nated for holding the meeting hearing, between the hours
34 of 10 o'clock in the forenoon and 12 o'clock noon on the
35 secular day next before the date of every meeting hearing,
36 and also 2 hours before the opening of the meeting hearing,
37 and notice thereof shall be given in the call of the meeting
38 hearing. All meetings of the district shall Every hearing
39 of the Lincoln Water District may be presided over by a
40 moderator chosen in the same manner and with the same
41 authority as moderators of town meetings to be chosen by
42 vote of those present.

43 Sec. 8. P&SL 1949, c. 116, §12 is amended to read:

1 Sec. 12. District and town authorized to make con-
2 tracts. Said district through its trustees is authorized to
3 contract with persons and corporations, including the town
4 of Lincoln, and said town of Lincoln is authorized to con-
5 tract with it, for the supply and treatment of water and
6 sewerage facilities for municipal purposes.

7 Sec. 9. P&SL 1949, c. 116, §13, as last amended by
8 P&SL 1975, c. 20, is further amended to read:

9 Sec. 13. Authorized to negotiate temporary loans; and
10 to issue notes and bonds; declared a quasi-municipal corpo-
11 ration; notes and bonds legal investment for savings
12 banks. For accomplishing the purposes of this act, said
13 district, through its trustees, without the necessity of a
14 vote of the inhabitants of said district, is authorized to
15 borrow money temporarily from time to time, not exceeding
16 \$2,000,000 and to issue therefor the interest-bearing nego-
17 tiable notes of the district, maturing not later than one
18 year from their dates serially or otherwise, and to make
19 subsequent renewals of the same in whole or in part, and for
20 said purposes and for the purpose of refunding any notes,
21 bonds or other lawful indebtedness to establish a fund
22 therefor. For the purpose of refunding the indebtedness so
23 created and for the purpose of obtaining or providing money
24 to pay or to meet any necessary expenses and liabilities
25 under the provisions of this Act, including expenses in the
26 creation of this district, in securing sources of supply,
27 taking water and land, paying damages, laying pipes, con-
28 structing, maintaining and operating a water plant and
29 sewage disposal system and making extensions, additions and
30 improvements to the same, the said district, through its
31 trustees, without the necessity of a vote of the inhabitants
32 of said district, may from time to time issue bonds or notes
33 of the district, maturing at one time or in uniform or vary-
34 ing installments, with or without call provisions and to an
35 amount necessary in the judgment of the trustees therefor,
36 provided, that such bonds or notes issued by the district at
37 any one time outstanding shall not exceed \$2,000,000 in
38 aggregate principal amount maturing at one time or in uni-
39 form or varying installments, and with or without call
40 provisions. Said notes and bonds shall be legal obligations
41 of said district, which is hereby declared to be a
42 quasi-municipal corporation within the meaning of the
43 Revised Statutes of 1954, chapter 90-A, section 23, as
44 enacted by section 1 of chapter 405 of the public laws of
45 1957, Title 35, section 171, et seq. The said notes and
46 bonds shall be legal investments for savings banks.

47 Sec. 10. P&SL 1949, c. 116, §15 is amended to read:

1 **Sec. 15. Water rates; application of revenue; sinking**
2 **fund.** All individuals, firms and corporations, whether pri-
3 vate, public or municipal, shall pay to the treasurer of
4 said district the rates established by said board of
5 trustees for the service used by them, and said rates shall
6 be uniform within the territory supplied by the district,
7 and the water rates shall be subject to the approval of the
8 public utilities commission. Said water ~~and sewer~~ service
9 rates shall be so established as to provide revenue for the
10 following purposes:

11 I. To pay current expenses for operating and maintain-
12 ing the water distribution system and ~~sewer system~~ to
13 provide for normal renewal and replacement thereof.

14 II. To provide for the payment of the interest on the
15 indebtedness created by the district.

16 III. To provide each year a sum equal to not less than
17 ~~1%~~ 2% nor more than ~~5%~~ 10% of the entire indebtedness
18 created by the district, which sum shall be turned into
19 a sinking fund and there kept to provide for the extin-
20 guishment of said indebtedness. The money set aside
21 for the sinking fund shall be devoted to the retirement
22 of the obligations of the district or invested in such
23 securities as savings banks or fiduciaries or trustees
24 are now or hereafter allowed to hold. Provided, how-
25 ever, that the trustees may, in their discretion and in
26 lieu of the establishment of a sinking fund, issue the
27 bonds of the district so that not less than ~~1%~~ 2%
28 of the amount of the bonds so issued shall mature and be
29 retired each year.

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

32 **Sec. 11. P&SL 1949, c. 116, §16, as amended by P& SL**
33 **1973, c. 190, §4, is repealed.**

34 **Sec. 12. P&SL 1949, c. 116, §§17 and 18 are repealed.**

35 **Sec. 13. P&SL 1949, c. 116, §19 is amended to read:**

36 **Sec. 19. Existing statutes not affected; rights con-**
37 **ferred subject to provisions of law.** Nothing herein con-
38 tained is intended to repeal, or shall be construed as
39 repealing, the whole or any part of any existing statute,
40 and all the rights and duties herein mentioned shall be
41 exercised and performed in accordance with all the applica-
42 ble provisions of ~~chapter 40 of the revised statutes of 1944~~

