

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 807

S.P. 238

In Senate, February 4, 1997

---

### An Act to Adopt a New Charter for the Winthrop Water District.

---

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TREAT of Kennebec.  
Cosponsored by Representative McKEE of Wayne and  
Representative: FULLER of Manchester.

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

2

4       **Sec. 1. Territorial limits; name; purposes.** The inhabitants and  
territory within the Town of Winthrop in Kennebec County  
6       constitute a quasi-municipal corporation under the name of  
"Winthrop Water District" for the purpose of supplying the  
8       inhabitants of the district with pure water for domestic,  
sanitary, manufacturing and municipal purposes.

10

12       **Sec. 2. Powers of Winthrop Water District.** The Winthrop Water  
District, for the purposes of its incorporation, may take,  
14       collect, store, flow, use, divert, distribute and convey to the  
district, or any part of the district, including, without  
16       limitation, Narrows Pond, so-called, in said Winthrop, and from  
Maranacook Lake in the Town of Winthrop and the Town of  
18       Readfield, water from any source approved by the Department of  
Human Services, natural or artificial, within the area of the  
20       Town of Winthrop and the Town of Readfield and from any other  
source from which the Winthrop Water Company may take water. It  
22       may also locate, construct and maintain aqueducts, pipes,  
conduits, dams, wells, reservoirs, standpipes, hydrants, pumping  
24       stations and other necessary structures and equipment and do  
anything necessary to furnish water for public purposes and for  
26       the public health, comfort and convenience of the inhabitants and  
others of the district, or may contract to do any and all of the  
foregoing things.

28

All incidental powers, rights and privileges necessary to  
the accomplishment of the main objectives set forth in this Act  
30       are granted to the district created by this Act.

32

34       **Sec. 3. Rights of eminent domain.** The district, for the  
purposes of its incorporation, may take and hold, for public  
36       uses, real estate and personal estate and any interest in real  
estate and personal estate necessary or convenient for those  
38       purposes, by purchase, lease or otherwise and may exercise the  
right of eminent domain as provided in this Act, to acquire for  
those purposes any land or interest in land or water rights  
40       necessary for erecting and maintaining dams, plants and works,  
for flowage, power, pumping, supplying water through its mains;  
42       for reservoirs, preserving the purity of the water and watershed;  
for laying and maintaining aqueducts and other structures; for  
44       taking, distributing, discharging and disposing of water; and for  
rights-of-way or roadways to its sources of supply, dams, power  
stations, reservoirs, mains, aqueducts, structures and lands.

46

This section may not be construed as authorizing the  
48       district to take by right of eminent domain any of the property  
or facilities of any other public utility used, or acquired for  
50       future use, by the owner of that property or those facilities in  
the performance of a public duty, unless expressly authorized to  
52       do so by this section or by subsequent act of the Legislature.

2 Nothing contained in this Act may be construed to empower the  
3 district to take by eminent domain any dam, building or other  
4 improvement or the real estate on which any dam, building or  
5 other improvement is situated.

6 The district may, for the purposes outlined in this section,  
7 do any and all things necessary in providing a water supply and a  
8 system of sewage treatment and collection and drainage for public  
9 purposes and for the health, comfort and convenience of the  
10 inhabitants of the district.

12 **Sec. 4. Authorized to lay mains, pipes, conduits and other water**  
13 **conveyances through public ways and across private lands.** The district  
14 may lay in and through the streets, roads, ways, highways and  
15 bridges in the Town of Winthrop and across private lands in the  
16 Town of Winthrop and maintain, repair and replace all such pipes,  
17 mains, conduits, aqueducts and fixtures and appurtenances as may  
18 be necessary and convenient for its corporate purposes and,  
19 whenever the district lays any pipes, mains, conduits, aqueducts  
20 and fixtures or appurtenances in any street, road, way or  
21 highway, the district shall cause the same to be done with as  
22 little obstruction as practicable to the public travel and, at  
23 its own expense, without unnecessary delay, shall cause the earth  
24 and pavement removed by the district to be replaced in proper  
25 condition.

26 **Sec. 5. Authorized to erect dams and reservoirs; to cross navigable**  
27 **waters; to supply water to utilities.** The district, for the purposes of  
28 its incorporation, may erect and maintain all dams, reservoirs  
29 and structures necessary and convenient for its corporate  
30 purposes. The district may lay, construct and maintain its pipes  
31 and fixtures in, over and under navigable waters and build and  
32 maintain structures for the pipes and fixtures, subject to the  
33 laws of the United States. The district may supply water to any  
34 public utility now supplying water in Kennebec County, subject to  
35 the consent of the Public Utilities Commission.

38 **Sec. 6. Procedure in exercising of eminent domain.** The district,  
39 in exercising, from time to time, any right of eminent domain in  
40 the taking of land, interests in the land or water rights, shall  
41 file in the office of the county commissioners of Kennebec County  
42 and record in the Kennebec County Registry of Deeds plans of the  
43 location of all property to be taken, with an appropriate  
44 description and the names of the owners, if known. Notice of the  
45 filing must be sent by mail to the owners at the address  
46 appearing on the tax records of the municipality in which the  
47 land is located. When for any reason the district fails to  
48 acquire the property it is authorized to take, and which is  
49 described in that location, or if the location recorded is  
50 defective or uncertain, it may, at any time, correct and perfect  
that location and file a new description, and in that case the

2 district is liable for damages only for property for which the  
4 owner had not previously been paid, to be assessed as of the time  
6 of the original taking, and the district is not liable for any  
8 acts that would have been justified if the original taking had  
10 been lawful. Entry may not be made on any private lands, except  
12 to make surveys, until the expiration of 10 days from that  
14 filing, at which time possession may be had of all lands,  
16 interests in the lands or water rights so taken, but title does  
18 not vest in the district until payment has been made.

12 **Sec. 7. Adjustment of damages; procedure as in laying out of  
14 highways.** If any person sustaining damages by any taking  
16 pursuant to the right of eminent domain does not agree with the  
18 district upon the sum to be paid for the taking, either party,  
20 upon petition to the county commissioners of Kennebec County, may  
22 have the damages assessed by them. The procedure and all  
24 subsequent proceedings and right of appeal are under the same  
26 restrictions, conditions and limitations as are or may be by law  
28 prescribed in the case of damages by the laying out of highways.

22 **Sec. 8. Procedure if public utility must be crossed.** In case of  
24 crossing of any public utility, unless consent is given by the  
26 company owning and operating the public utility as to place,  
28 manner and conditions of the crossing within 30 days after  
30 consent is requested by the district, the Public Utilities  
32 Commission, upon petition by the district, shall determine the  
34 place, manner and conditions of the crossing, and all work on the  
36 property of the public utility must be done under the supervision  
38 and to the satisfaction of the public utility or as prescribed by  
40 the Public Utilities Commission, but at the expense of the  
42 district.

34 **Sec. 9. Trustees; how elected; first board; meeting; officers.** All of  
36 the affairs of the district must be managed by a board of  
38 trustees composed of 3 members, all of whom must be residents of  
40 the district. They are appointed by the municipal officers of  
42 the Town of Winthrop. As soon as convenient after the members of  
44 the board have been chosen, the trustees shall hold a meeting and  
46 organize by the election of a president, secretary, treasurer and  
48 all other officers and agents needed for the proper conduct and  
50 management of the affairs of the district. Trustees in office on  
the effective date of this Act, may continue in office for the  
remainder of their terms. When the term of office of a trustee  
expires, that trustee's successor is appointed by the municipal  
officers of the Town of Winthrop to serve for the full term of 3  
years and when any other vacancy arises that vacancy will be  
filled in like manner for the unexpired term. All trustees are  
eligible for reappointment but a municipal officer of the Town of  
Winthrop may not at any time be eligible to serve as trustee.  
The term of office of each trustee begins April 1st of each year.

2 The trustees of the district receive compensation as  
recommended by the trustees and approved by a majority of the  
4 municipal officers of the Town of Winthrop, including  
compensation for any duties they perform as officer as well as  
6 their duties as trustees. The trustees may maintain an office  
and incur any necessary expenses. When a trustee ceases to be a  
8 resident of the district, the trustee vacates the board of  
trustees.

10 All decisions of the board of trustees must be by a majority  
12 of those present and voting. A quorum of the board of trustees  
is 2 trustees.

14 The treasurer shall furnish bond in such sum and with such  
16 sureties as the trustees may approve. The trustees shall publish  
an annual report that includes a report of the treasurer.

18 Trustees may also establish such bylaws as are necessary for  
20 their own convenience in the proper management of the district.

22 **Sec. 10. District and Winthrop authorized to make and assume**  
**contracts.** The district, through its trustees, may contract with  
24 persons and corporations, including the Town of Winthrop, and the  
Town of Winthrop may contract with the district for the supply of  
26 water for municipal purposes for the use of sewerage and drainage  
facilities.

28 **Sec. 11. Authorized to receive government aid; borrow money; issue**  
**30 bonds and notes.** For accomplishing the purposes of this Act and  
for such other expenses as may be necessary for the carrying out  
32 of these purposes, the district, through its trustees, without  
vote of the inhabitants, may receive state and federal aid  
34 grants, borrow money temporarily and issue for the money its  
negotiable notes for the purpose of renewing and refunding the  
36 indebtedness so created, for paying any necessary expenses and  
liabilities incurred under this Act, including organizational and  
38 other necessary expenses and liabilities, and in acquiring  
properties, paying damages, laying pipes, mains, aqueducts and  
40 conduits, constructing, maintaining and operating a water plant  
or system and making renewals, additions, extensions and  
42 improvements to the water plant or system and to cover interest  
payments during the period of construction. The district,  
44 through its trustees, without the vote of its inhabitants, may  
also issue, from time to time, in accordance with the Maine  
46 Revised Statutes, Title 35-A, chapter 63, bonds, notes or other  
evidences of indebtedness of the district in such amount or  
48 amounts bearing interest at such

2 rate or rates, selling at par or at a discount or a premium and  
3 having such other terms and provisions as the trustees determine,  
4 except that loans running for one year or less do not require the  
Public Utilities Commission's approval.

6 The bonds, notes and evidences of indebtedness may be issued  
7 to mature serially or made to run for such periods as the  
8 trustees determine. Bonds, notes or evidences of indebtedness  
9 may be issued with or without provisions for calling the bonds,  
10 notes or evidences of indebtedness prior to maturity and, if  
11 callable, may be made callable at par or at such premium as the  
12 trustees determine. All bonds, notes or other evidences of  
13 indebtedness must have inscribed upon their face the words  
14 "Winthrop Water District," and be signed by the treasurer and  
15 countersigned by the president of the board of trustees of the  
16 district. If coupon bonds are issued, the interest coupon  
17 attached to the coupon bonds must bear the facsimile signature of  
18 the treasurer.

20 All bonds, notes and evidences of indebtedness so issued by  
21 the district, which is declared to be a quasi-municipal  
22 corporation, are legal obligations of the district within the  
23 meaning of the Maine Revised Statutes, Title 30-A, section 5701.

24 The district may refund and reissue, from time to time, in  
25 one or in separate series, its bonds, notes and other evidences  
26 of indebtedness, and each authorized issue constitutes a separate  
27 loan. All bonds, notes and evidences of indebtedness issued by  
28 the district are legal investments for savings banks in the State  
29 and are free from taxation.

32 **Sec. 12. Rates; application of revenue; sinking fund.** The rates  
33 established pursuant to this section must be sufficient to  
34 provide revenue for the purposes of this Act and for all other  
35 purposes of the district, without the need for any financial  
36 assistance from the Town of Winthrop, other than the normal  
37 payment of water charges for services rendered and the loan or  
38 loans for initial funds as set forth in section 11. Individuals,  
39 firms and corporations, whether private, public or municipal,  
40 shall pay to the treasurer or other designated officer of the  
41 district the rates established by the board of trustees for the  
42 water used by them. The rates must be established in accordance  
43 with the Maine Revised Statutes, Title 35-A, chapter 61, to  
44 provide for the purposes set forth therein.

46 **Sec. 13. Property tax exempt.** The property of the district is  
47 exempt from all taxation in the Town of Winthrop and in any other  
48 towns where any part of its plant may be located.

