

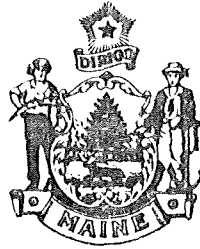
MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 27, 1981

Honorable Norman E. Weymouth
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Weymouth:

You have requested an opinion from this office on several issues regarding proposed legislative changes in the charter of the Gardiner Water District. In answer to your first question, we conclude that it is permissible for the territorial limits of the existing water district to be enlarged and for the board of trustees to be enlarged to reflect the change in the territory. As a general rule, quasi-municipal corporations like the Gardiner Water District are considered creatures of the Legislature, subject to the limitations imposed by the Legislature in their charters. Since the Legislature had the power to set the territorial limits of the water district in its original charter, the Legislature also has the power to enlarge the district.

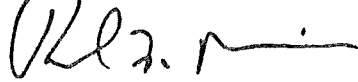
Turning to your second question, we do not think that either the incorporation of the Town of Farmingdale into the territory of the Gardiner Water District or the inclusion of a representative from Farmingdale on the board of trustees will affect the obligation of the water district to supply the inhabitants of the Towns of Pittston and Randolph with water. A review of the history of the Gardiner Water District charter indicates that the obligation of the water district to supply water for domestic and municipal purposes to the Towns of Pittston and Randolph dates from the creation of the water district. P. & S.L. 1903, c. 82. In that original charter, the Town of Farmingdale was not a part of the water district, but was placed in the same status as the Towns of Pittston and Randolph. We see no reason why the Legislature cannot

incorporate the territory of the Town of Farmingdale into the water district proper while continuing in the charter the obligation of the district to supply pure water for domestic and municipal purposes to the Towns of Pittston and Randolph.

Finally, the proposed changes in the charter will have no legal effect on the power of the Gardiner Water District to issue bonds in the future. That power, found in § 9 of the original charter, P. & S.L. 1903, c. 82, is not changed by your proposed amendments.

I hope that this information is useful to you. If you have any further questions, please feel free to contact this office.

Very truly yours,



PAUL F. MACRI
Assistant Attorney General

PFM/ec