

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1795

H. P. 1235

House of Representatives, March 27, 1975

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Shute of Stockton Springs.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Amend the Charter of the Searsport Water District.

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

Sec. 1. P&SL 1947, c. 75, § 1 is repealed and the following enacted in place thereof:

Sec. 1. Territorial limits; name; purposes. The inhabitants and territory within the Town of Searsport shall be and hereby are constituted a body politic and corporate by the name of Searsport Water District for the purpose of supplying the Towns of Searsport, Stockton Springs and Prospect and the inhabitants of said towns or any part of said towns with pure water for domestic, sanitary, agricultural, commercial, industrial and all lawful municipal purposes.

Sec. 2. P&SL 1947, c. 75, § 2 is amended to read:

Sec. 2. Source of supply. For effecting and carrying out the purposes of its incorporation, the said district is hereby authorized to take, hold, divert, use and distribute water from any surface or underground brook, stream, spring, vein of water or other water sources in the ~~town~~ Towns of Searsport, Stockton Springs and Prospect or from Boyd's Pond, also know as Half Moon Pond, located in the ~~town~~ Towns of Stockton Springs and Prospect.

However, prior to the first sale of any water by the district from any supply developed in Prospect or prior to the district acquiring any fee simple interest in real property by any means in the Town of Prospect, the inhabitants of the Town of Prospect must grant general authority to the district to acquire such real property as needed at a special town meeting called pursuant to the Revised Statutes of 1964, Title 30, which the selectmen shall call within 30 days after a written request has been made by the district. The Revised Statutes of 1964, Title 30, section 2061, shall apply to the vote

of the inhabitants on the issue. If a water source is created and the district takes water from it, so long as the district utilizes the facility as a source of supply, the district is hereby authorized to make annual payments to the Town of Prospect on or before December 1st of each year a sum of money in lieu of taxes.

Sec. 3. P&SL 1947 c. 75, § 3, first ¶, as last amended by P&SL 1961, c. 197, is repealed and the following enacted in place thereof:

The said district for the purposes of its incorporation, is hereby authorized to take and hold as for public uses, by purchase or otherwise, including the exercise of eminent domain, any real estate, land, easements or interest therein or water rights or interest therein necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for guarding against pollution, for laying and maintaining aqueducts and other structures for 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.

Sec. 4. P&SL 1947, c. 75, § 4 is repealed and the following enacted in place thereof:

Sec. 4. Authorized to lay mains, pipes, conduits, etc. through public ways and across private lands. The said district is hereby authorized to lay in, along, under and through the streets, roads, ways and highways and tidal waters, lakes, ponds, rivers and water courses in the Towns of Searsport, Stockton Springs and Prospect, and across private lands therein and to maintain, repair and replace, all such pipes, mains, conduits, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition. The district is declared to be a public service corporation for the purposes of the Revised Statutes of 1964, Title 30, section 4962, subsection 1, paragraph C, and a quasi-municipal corporation for the purposes of the Revised Statutes of 1964, Title 30, section 5053.

Sec. 6. P&SL 1947, c. 75, § 6, is repealed and the following enacted in place thereof:

Sec. 6. Procedure in exercising right of eminent domain. In exercising any rights of eminent domain that are conferred upon it, the district shall file for record in the Registry of Deeds in Waldo County plans of the location of lands, interest in land or water rights to be taken, with an appropriate description and the names of owners thereof, if known. The district shall also serve personal notice of such plans upon the record owner or owners of such lands, interest in land or water rights by certified mail to their last known address and in all cases by publication in one newspaper of general circulation in Waldo County once a week for 2 weeks prior to filing the notice of taking in the Registry of Deeds. When for any reason the district fails to

acquire property which it is authorized to take and which is described in such locations, or if the location so recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case, the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing; whereupon possession may be had of all such lands or interest therein so taken, but title thereto shall not vest in said district until paid for.

If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefor, either party, upon petition to the Land Damage Board, may have said damages assessed by it. The procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 7. P&SL 1947, c. 75, § 10 is repealed and the following enacted in place thereof:

Sec. 10. District and town authorized to make contracts. Said district through its trustees is authorized to contract with persons and corporations, including the Towns of Searsport, Stockton Springs and Prospect and said towns are authorized to contract with it for the supply of water and facilities for municipal purposes. The district is authorized to enter into agreements with Federal and State Governments or any corporation, commission or board authorized by Federal or State Government to grant or loan money or otherwise assist in the financing of projects for accomplishing any of the purposes of the district and to accept grants and borrow money from any such government, agency, corporation, commission or board as may be necessary or desirable for accomplishing the purposes of this Act.

Sec. 8. P&SL 1947, c. 75, § 14, is repealed and the following enacted in place thereof:

Sec. 14. Authorized to borrow money, to issue bonds and notes. The district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time bonds or notes of the district to pay for the cost of the capital outlay incurred by the district in connection with accomplishing any of the purposes set forth in this Act, including any necessary expenses and liabilities in acquiring properties, renovating properties, and securing sources of supply, taking water rights and land, paying damages, laying pipes, constructing, maintaining, and operating a water plant system, making renewals, additions, extensions and improvements to the same; and for the establishment of a reasonable reserve for future payments of debt service which reserve shall not exceed for any issue of bonds or notes, the amount of interest and principal payable on account of such issue averaged for each year except the last in which principal of such issue is payable, and for the interest dur-

ing the period of construction and for a period not exceeding one year thereafter. Said bonds or notes shall be issued in such amount as the district, acting through its trustees and without vote of its inhabitants, may determine. The district may refund any such bonds or notes or make other provision for the advanced refunding. Said bonds or notes shall be issued to mature serially, in annual installments, the first of which shall be payable not later than 5 years from the date of such bonds or notes, and the last of which shall be payable not later than 40 years from said date; or may be issued for a term of years not exceeding 40 years; or in a combination to mature serially and for a term of years not exceeding 40 years, all as the trustees shall determine. Said bonds may be callable with or without premium and may contain provisions for the refunding for any such issue or part thereof in advance of any due date thereof. Said bonds or notes shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, in public or private sale, with or without provisions for prepayment in advance of maturity, at par, with a discount or a premium, all as the trustees shall determine.

If the trustees vote to issue bonds or notes, the trustees may authorize the issuance, in the name of the district, of temporary notes for a period of up to one year in anticipation of the money to be received from sale of such bonds or notes. The time within which such temporary notes shall be payable need not be included in determining the period for which bonds or notes may be issued.

The district may refund and reissue from time to time in one or in separate series its bond, notes or other evidences of indebtedness. All bonds shall have inscribed upon their face "Searsport Water District" and shall be executed as the trustees shall determine.

All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053 and all provisions of said section shall be applicable thereto.

All bonds, notes and evidences of indebtedness issued by said district pursuant to this Act shall be legal investments for savings banks in the State of Maine, and shall be exempt from Maine income tax.

Sec. 9. P&SL 1947, c. 75, § 15, is amended to read:

Sec. 15. **Property tax exempt.** The property of said district shall be exempt from all taxation by the ~~town~~ Towns of Searsport, Prospect and Stockton Springs.

STATEMENT OF FACT

The purpose of this Act is to authorize the Searsport Water District to serve the Towns of Prospect and Stockton Springs and to obtain water from within the Town of Prospect and to make other legal changes in the district's charter to facilitate its operation.