

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1949

H. P. 1821

House of Representatives, February 12, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Wentworth of Wells.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit.

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

Sec. 1. P&SL 1921, c. 159, § 1, as last amended by P&SL 1973, c. 177, § 1, is repealed and the following enacted in its place:

Sec. 1. Territorial limits, corporate name and purpose. The territory and people constituting the Towns of Kennebunk, Kennebunkport, Wells and Ogunquit shall constitute a body politic and corporate under the name of the Kennebunk, Kennebunkport and Wells Water District, for the purpose of supplying the inhabitants of the district and of the Town of Arundel and the inhabitants of those portions of the Town of York and the City of Biddeford now being served by the district with pure water for domestic and municipal purposes.

Sec. 2. P&SL 1921, c. 159, § 2, first ¶, as last amended by P&SL 1969, c. 35, § 2, is further amended to read:

Said district, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from any surface or underground river, lake, pond, stream, brook, spring or other source of water, natural or artificial, in the Towns of Kennebunk, Kennebunkport and Wells, **Ogunquit and Arundel**, and in the portions of the Town of York and the City of Biddeford above described and in the Town of Arundel, including, without limitation by the foregoing, water from

Branch Brook and the Merriland River and their tributaries from their sources to their mouths, or from any of said sources, or to contract to do any or all of the foregoing things and to purchase water from the Biddeford and Saco Water Company.

Sec. 3. P&SL 1921, c. 159, § 4, as amended by P&SL 1969, c. 35, § 3, is further amended to read:

Sec. 4. **May lay pipes, etc., along public ways and across private lands.** Said district is hereby authorized to lay in and through the streets, roads and ways in said district and in the portions of the Town of York and the City of Biddeford above described and in the Town of Arundel, and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, **and a line of pipe in the City of Biddeford from the Town of Arundel to connect with the system of the Biddeford and Saco Water Company in the vicinity of the Biddeford Industrial Park,** and whenever said district shall lay any pipe or aqueduct in any street, road 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.

Sec. 4. P&SL 1921, c. 159, § 5, as amended by P&SL 1973, c. 177, § 2, is repealed and the following enacted in its place:

Sec. 5. **Management of affairs.** Until a trustee is chosen by the Town of Ogunquit, all the affairs of the water district shall be managed by a board of trustees composed of 3 members, composed of the trustees then serving and representing the municipalities of Kennebunk, Kennebunkport and Wells on the date this section becomes effective, or their duly elected successors. Thereafter, all the affairs of the water district shall be managed by a board of trustees composed of 4 members, one chosen by each of the municipalities of Kennebunk, Kennebunkport, Wells and Ogunquit. The trustees shall be elected by ballot at the respective annual town meetings of the municipalities in the same manner as town officers are elected.

The term of office of each trustee shall be for 3 years, provided that the term of office of the trustee first chosen by the municipality of Ogunquit shall be for such term not greater than 3 years as is necessary to provide that subsequent trustees chosen by the municipality of Ogunquit shall be chosen in the same year as, and for a term coextensive with, the trustee chosen by the municipality of Kennebunkport. When the term of office of a trustee expires, the municipality which elected that trustee shall elect a successor to serve a full term of 3 years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term.

As soon as convenient after the trustees have been chosen, they shall hold a meeting at the principal office of the water district, organize by the election of a president and clerk, adopt a corporate seal, and, when necessary, they may

choose a treasurer and all other needful officers and agents for the proper conduct and management of the district.

Until a trustee has been chosen by the Town of Ogunquit, each trustee is entitled to cast one vote. Thereafter, at the first meeting of the trustees of the district in each calendar year, 1,000 votes shall be apportioned among all the trustees. The ratio of the number of votes able to be cast by a trustee representing a municipality at a meeting of the trustees in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality represented by the trustee bears to the aggregate population of the municipalities of Kennebunk, Kennebunkport, Wells and Ogunquit, as determined by the last Federal Decennial Census; provided that until the census data is available for the municipalities of Ogunquit and Wells separately stated, the votes to be cast by the representatives of Ogunquit and Wells shall be determined as though the population of Ogunquit and Wells were, respectively, 1,047 and 4,448. In order to assure the use of whole number, the 1,000 votes apportioned among the trustees may be increased or decreased, as necessary.

The trustees may also ordain and establish the bylaws, not inconsistent with the laws of the State, as are necessary for their own convenience and the proper management of the affairs of the district. The terms of office of the trustees shall begin on the first Monday of April The trustees shall make and publish an annual report and include therein the report of the treasurer. Each trustee shall receive in full compensation for his services an allowance of \$200 per year.

STATEMENT OF FACT

The purpose of this bill is to amend the Kennebunk, Kennebunkport and Wells Water District Charter to provide for a trustee from the Town of Ogunquit.