

# MAINE STATE LEGISLATURE

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L.D. 268

(Filing No. S-167 )

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 87, L.D. 268,  
Bill, "AN ACT Relating to Source of Supply of the  
Camden and Rockland Water Company."

Amend the bill by striking out everything after  
the enacting clause and inserting in its place the  
following:

'Sec. 1. P&SL 1880, c. 212, §1, as amended by PL  
1913, c. 185, §1, is amended by adding at the end the  
following:

The water company may, for the purposes named in  
section 2, take, detain, use, store and appropriate  
water not exceeding 1,000,000 gallons per day, from  
the Megunticook River in the Town of Camden, only  
downstream from the outlet dams at Megunticook Lake  
and upstream from the Seabright Dam.

Any authority granted in this Act shall be exer-  
cised in accordance with all applicable state and lo-  
cal regulatory requirements.

In case of emergency such as a fire protection  
exigency or the interruption of a primary or major  
source of water supply to the Towns of Camden and  
Rockport, the company may use in excess of 1,000,000  
gallons per day from the designated stretch of the  
Megunticook River identified in this section, as nec-  
essary, to meet the emergency. In case emergency  
powers are exercised, the water company shall report  
within 3 working days to the selectmen of Camden, the  
Department of Human Services and the Department of  
Environmental Protection, stating the reasons for ex-  
ercising emergency power. The company may not with-  
draw excess water under emergency powers for any pe-  
riod exceeding 5 calendar days, except as approved by

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1 at least 2 out of these 3 entities.

2 Nothing contained in this Act may in any way lim-  
3 it or restrict recreational use of Megunticook River  
4 in the Town of Camden, except an area within a radius  
5 not to exceed 200 feet from any intake pipe desig-  
6 nated by the water company or the Town of Camden in  
7 accordance with the Maine Revised Statutes, Title 22,  
8 section 2648, after consultation with and concurrence  
9 by the Department of Human Services, as may be neces-  
10 sary for the safety of the public. Nothing in this  
11 Act alienates or limits the right of the State to al-  
12 locate the use of the water from Megunticook Lake.

13 Sec. 2. P&SL 1880, c. 212, §2, as amended by PL  
14 1913, c. 185, §2, is repealed and the following en-  
15 acted in its place:

16 Sec. 2. Powers and duties; right of eminent do-  
17 main. The company may erect and maintain dams upon  
18 any or all of the lakes, ponds, brooks, Oyster River  
19 and tributaries of the water identified in section 1,  
20 for the purpose of creating and maintaining storage  
21 basins or reservoirs of water and may flow the land  
22 of any riparian proprietor therefor, and may erect  
23 and maintain reservoirs and lay down and maintain  
24 pipes and aqueducts necessary for the proper accumu-  
25 lating, conducting, discharging, distributing and  
26 disposing of the water, except that the right to  
27 erect and maintain dams does not extend to and does  
28 not authorize the erection and maintenance of dams on  
29 Megunticook River or tributaries in the Town of Cam-  
30 den and the right to flow the land of any riparian  
31 proprietor does not extend to or encompass the  
32 Megunticook River or tributaries.

33 The company shall have the same right of eminent  
34 domain provided to water companies in the Maine Re-  
35 vised Statutes, Title 35, chapters 263 and 265, pro-  
36 vided that nothing contained in this Act may be con-  
37 strued as authorizing the company to take, by right  
38 of eminent domain, any of the property or facilities

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1 of any other public utility used or acquired for fu-  
2 ture use by the owner of the public utility in the  
3 performance of a public duty, unless expressly autho-  
4 rized in this Act or by subsequent Act of the Legis-  
5 lature.

6 In case of any crossing of any public utility  
7 right-of-way, unless consent is given by the company  
8 owning or operating the public utility as to place,  
9 manner and conditions of the crossing within 30 days  
10 after consent is requested by the company, the Public  
11 Utilities Commission shall determine the place, man-  
12 ner and conditions of the crossing and all work on  
13 the property of the public utility shall be done un-  
14 der the supervision and to the satisfaction of the  
15 public utility, but at the expense of the company.  
16 In case of any crossing of any railroad right-of-way,  
17 the procedure shall be the same as stated in the pre-  
18 ceding sentence, except that the Department of Trans-  
19 portation shall be substituted for the Public Utili-  
20 ties Commission.

21 Sec. 3. P&SL 1880, c. 212, §2-A is enacted to  
22 read:

23 Sec. 2-A. Protection of public health, safety  
24 and welfare. Prior to withdrawing any water from the  
25 Megunticook River as authorized by section 1, the  
26 Camden and Rockland Water Company shall obtain the  
27 approval of the Department of Human Services in ac-  
28 cordance with the Maine Revised Statutes, Title 22,  
29 chapter 601.

30 In addition to any other requirements of law, the  
31 Department of Human Services, in consultation with  
32 other agencies as appropriate, shall establish the  
33 minimum flow and the minimum water level necessary in  
34 the Megunticook River to ensure adequate water quali-  
35 ty to protect public health. The water company may  
36 not withdraw water from the Megunticook River unless  
37 that minimum flow and minimum water level are met.

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1           Upon receipt of petitions from the lesser of at  
2 least 25% or 50 of the riparian proprietors along the  
3 Megunticook River between the outlet dams at Lake  
4 Megunticook and the Seabright Dam, the Board of Envi-  
5 ronmental Protection shall establish and issue an or-  
6 der implementing a water level regime for that  
7 stretch of the Megunticook River, including inflow  
8 requirements as necessary, according to the proce-  
9 dures and standards of the Maine Revised Statutes,  
10 Title 38, section 840.'

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STATEMENT OF FACT

12           The amendment deletes from the bill any access to  
13 the water of Megunticook Lake. It authorizes the  
14 Camden and Rockland Water Company to take a limited  
15 amount of water, 1,000,000 gallons per day, from the  
16 Megunticook River.

17           In addition, in emergencies, it allows water to  
18 be taken in excess of that limit, with notification  
19 to the selectmen of Camden and the Departments of Hu-  
20 man Services and Environmental Protection within 3  
21 working days and approval by 2 out of 3 of these en-  
22 tities for continuation emergency withdrawals beyond  
23 5 calendar days.

24           Any development of the Megunticook River as a wa-  
25 ter supply is subject to approval by the Department  
26 of Human Services. The Department of Human Services  
27 also will determine the minimum water flow and level  
28 necessary to protect public health, and the company  
29 may not withdraw water unless that flow and that lev-  
30 el are met. In periods of low water, that will re-  
31 quire negotiation by the water company with the  
32 Megunticook Lake Dam Advisory Committee which is the  
33 local body presently exercising control over the dams  
34 at the head of the Megunticook river.

35           Finally, it is noted that the lesser of 25% or 50

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1 riparian proprietors along the Megunticook River be-  
2 tween Megunticook Lake and the Seabright Dam may pe-  
3 tition the Department of Environmental Protection to  
4 establish a water level regime in accordance with the  
5 Maine Dam Inspection, Registration and Abandonment  
6 Act.

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Reported by Senator Baldacci for the Committee on Utilities.  
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(5/30/85) (Filing No. S-167)