

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 268

6
7 S.P. 87

In Senate, January 29, 1985

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

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Chalmers of Knox.

Cosponsored by Representative Mayo of Thomaston and Representative Melendy of Rockland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Relating to Source of Supply of the
18 Camden and Rockland Water Company.
19

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

22 Sec. 1. P&SL 1880, c. 212, §1, as amended by PL
23 1913, c. 185, §1, is repealed and the following en-
24 acted in its place:

25 Section 1. Source of supply. The Camden and
26 Rockland Water Company is authorized and empowered
27 for the purposes named and embraced in its act of in-
28 corporation, and amendments to take, detain, use,
29 store and appropriate water from Hobbs' Pond, Fish's
30 Pond, Grassy Pond and Megunticook Lake in the Town of
31 Hope; Mirror Lake and Rocky Pond in the Town of
32 Rockport; Spring Brook, Megunticook Lake and
33 Megunticook River, in the Town of Camden; Megunticook
34 Lake, in the Town of Lincolnville; and Oyster River,
35 in the County of Knox; and all of the tributaries of
36 the ponds, lakes, brooks and rivers, including Spruce

1 Mountain Brook, and all of the streams and ponds
2 leading into, or tributary to any stream connecting
3 the Fish's and Hobbs' ponds. The authority herein
4 and hereby granted shall also include and give the
5 right to the company to withdraw the water from the
6 ponds, lakes, brooks, rivers and tributaries and for
7 reservoirs or basins that may be constructed for the
8 purposes aforesaid by pipes and aqueducts laid di-
9 rectly therefrom; or by artificial water ways to sup-
10 ply Mirror Lake; also to connect the same with any of
11 the mains of the company. Nothing herein contained
12 may in any way increase or extend the rights of the
13 company in or to the waters of Hobbs', Fish's, Grassy
14 or Rocky Ponds or the tributaries thereof beyond what
15 already exist. Nothing herein contained may in any
16 way limit or restrict recreational use of Megunticook
17 Lake and Megunticook River in the Towns of Camden,
18 Lincolntown and Hope; or curtail any such recrea-
19 tional use existing on those bodies of water in those
20 towns as of the date of enactment of this legisla-
21 tion, except an area within 200 feet of an intake
22 pipe as may be necessary for the safety of the pub-
23 lic.

24 Sec. 2. P&SL 1880, c. 212, §2, as amended by PL
25 1913, c. 185, §2, is repealed and the following en-
26 acted in its place:

27 Section 2. Powers and duties. The company is
28 authorized to erect and maintain dams upon any or all
29 of the lakes, ponds, brooks, Oyster River and tribu-
30 taries of the water identified in section 1, for the
31 purpose of creating and maintaining storage basins or
32 reservoirs of water and to flow the land of any ri-
33 parian proprietor therefore, to erect and maintain
34 reservoirs and lay down and maintain pipes and aque-
35 ducts necessary for the proper accumulating, conduct-
36 ing, discharging, distributing and disposing of the
37 water, except that such right to erect and maintain
38 dams shall not extend to and shall not authorize such
39 erection and maintenance of dams on Megunticook Lake
40 and Megunticook River in the Towns of Camden,
41 Lincolntown and Hope, and such right to flow the
42 land of any riparian proprietor shall not extend to
43 nor encompass the Megunticook Lake and the
44 Megunticook River.

1 A. Right of eminent domain and limitation there-
2 on; crossing property of other public utilities.
3 The company is authorized and empowered to ac-
4 quire by purchase or by the exercise of the right
5 of eminent domain, which right is expressly dele-
6 gated to the water company for any of its pur-
7 poses, any lands, rights-of-way, water and water
8 rights, including springs or wells, or any other
9 interest in real estate which may be required for
10 the carrying out of the purposes of the company.

11 Provided that nothing herein contained shall be
12 construed as authorizing the company to take by right
13 of eminent domain any of the property or facilities
14 of any other public service corporation or district
15 used or acquired for future use by the owner thereof
16 in the performance of a public duty, unless expressly
17 authorized thereto herein or by subsequent act of the
18 Legislature.

19 In case of any crossing of any public utility,
20 unless consent be given by the company owning or op-
21 erating such public utility as to place, manner and
22 conditions of the crossing within 30 days after such
23 consent is requested by the corporation, the Public
24 Utilities Commission shall determine the place, man-
25 ner and conditions of such crossing and all work on
26 the property of such public utility shall be done un-
27 der the supervision and to the satisfaction of such
28 public utility, but at the expense of the company.

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

31 Section 2-A. Other rights. Use of the
32 Megunticook Lake and the Megunticook River in the
33 Towns of Camden, Lincolnville, and Hope shall be only
34 for emergency use and as a backup supply of water for
35 the water company, unless other additional use is au-
36 thorized by subsequent act of the Legislature.

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STATEMENT OF FACT

Existing sources of water supply of the Camden and Rockland Water Company are inadequate to meet the future needs of the inhabitants of Camden, Rockport, Thomaston, So. Thomaston, Owls Head and Rockland. This bill allows the company to access the waters of Megunticook Lake and Megunticook River to provide for uninterrupted and adequate supply of water for human consumption and fire protection.

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