

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1829

7  
8 H.P. 1313

House of Representatives, January 13, 1986

9 Approved for introduction by a majority of the Legislative Council  
10 pursuant to Joint Rule 26.

Reference to the Committee on Utilities suggested and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

12 Cosponsored by Senator Brown of Washington.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Amend the Charter of the  
19 Passamaquoddy Water District.  
20

21 Emergency preamble. Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, the Passamaquoddy Water District serves  
25 an essential purpose, namely, providing an adequate  
26 supply of pure water to the people of the City of  
27 Eastport and to the inhabitants of the Town of Perry  
28 and to the Pleasant Point Passamaquoddy Indian Reser-  
29 vation; and

30 Whereas, the water quality in the district pres-  
31 ently does not meet federal or state standards and  
32 there exists no supply of ground water within the  
33 district that is adequate to supply the needs of the  
34 people of the district with pure water without having  
35 to build an expensive treatment plant; and

1       Whereas, the district has located an adequate  
2 supply of ground water for the needs of the district  
3 located in an aquifer found on land presently owned  
4 by the Lincoln Company in the Town of Pembroke; and

5       Whereas, the district's charter must be amended  
6 to permit the district to acquire or lease this land  
7 and to use water from this land to supply the needs  
8 of the district and it is vital that the district's  
9 charter be so amended at once for the benefit of the  
10 customers of the district; and

11       Whereas, in the judgment of the Legislature,  
12 these facts create an emergency within the meaning of  
13 the Constitution of Maine and require the following  
14 legislation as immediately necessary for the preser-  
15 vation of the public peace, health and safety; now,  
16 therefore,

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

19       Sec. 1. P&SL 1983, c. 25, §§2 and 4, are amended  
20 to read:

21       Sec. 2. Source of supply. The water district,  
22 for the purposes of its incorporation, is authorized  
23 to take, collect, store, hold, divert, use, flow, de-  
24 tain and distribute water from any lake, pond,  
25 stream or river and from any surface or underground  
26 brook, spring or vein of water in the reservation,  
27 and from any other source from which the Eastport Wa-  
28 ter Company is now authorized to take water, includ-  
29 ing sources outside of the reservation and from any  
30 surface or underground brook, spring or vein of water  
31 located on property presently owned by the Lincoln  
32 Company on Little Falls Road in the Town of Pembroke.

33       Sec. 4. Authorized to lay pipes, public ways and  
34 across private lands. The district is authorized to  
35 lay in and through the streets, roads, ways and high-  
36 ways within the district, the Town of Pembroke and  
37 any city or town which the Eastport Water Company is  
38 serving or authorized to serve and across private  
39 lands therein, and to maintain and replace all such  
40 pipes, aqueducts, mains and fixtures as may be neces-

1 sary, and may excavate through any lands when neces-  
2 sary and convenient for its corporate purposes; and  
3 whenever the district shall lay any pipes, aqueducts  
4 or mains in any street, road, way or highway, it  
5 shall cause the same to be done with as little ob-  
6 struction as practicable to the public travel, and  
7 shall at its own expense without unnecessary delay  
8 cause the earth and pavement removed by it to be re-  
9 placed in proper conditions.

10 Sec. 2. P&SL 1983, c. 25, §§19-A and 19-B are  
11 enacted to read:

12 Sec. 19-A. Authority to purchase or lease prop-  
13 erty of the Lincoln Company. The Passamaquoddy Water  
14 District may acquire by purchase, or may lease, real  
15 property owned by the Lincoln Company in the Town of  
16 Pembroke located on the Little Falls Road, including  
17 all water and water rights appurtenant thereto.

18 Sec. 19-B. Authority to sell or lease surplus  
19 property. The right and power necessary to sell or  
20 lease any assets or property of the district not  
21 needed for the accomplishment of the main object set  
22 forth in this Act are granted to the district.

23 Emergency clause. In view of the emergency cited  
24 in the preamble, this Act shall take effect when ap-  
25 proved.

STATEMENT OF FACT

The Passamaquoddy Water District is presently under state and federal mandate to improve the district's water quality and there is no source of water within the district of sufficient quality and quantity to meet the district's needs unless the district builds an extremely expensive treatment facility. This bill amends the Charter of the Passamaquoddy Water District to permit the district to acquire or lease land in the Town of Pembroke on Little Falls Road presently owned by the Lincoln Company and to draw water from an aquifer located on the land to meet the needs of the district. Use of this water will obviate the need for construction of a water treatment facility. The bill also clarifies the district's power to sell or lease surplus property.

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