

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1672

H.P. 1202

House of Representatives, May 17, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Representative CLARK of Millinocket, Representative ALLEN of Washington and Senator BOST of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Concerning Public Water Supplies in the Mid-coast Area.

(AFTER DEADLINE)



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

3 **Sec. 1. P&SL 1880, c. 212, §1, as amended by P&SL 1985, c. 40,**
5 **§1, is repealed and the following enacted in its place:**

7 Sec. 1. Source of supply. The Camden and Rockland Water
9 Company is authorized for the purposes named in its act of
11 incorporation and amendments to take, detain, use, store and
13 appropriate water from Hobbs' Pond, Fish's Pond, Grassy Pond and
15 Megunticook Lake in the Town of Hope; Mirror Lake and Rocky Pond
17 in the Town of Rockport; Spring Brook, Megunticook Lake and
19 Megunticook River in the Town of Camden; Megunticook Lake in the
21 Town of Lincolnville; Oyster River in the County of Knox; and all
23 of the tributaries of the ponds, lakes, brooks and rivers,
25 including Spruce Mountain Brook, and all of the streams and ponds
27 leading into, or tributary to any stream connecting, Fish's Pond
29 and Hobbs' Pond. The authority herein and hereby granted shall
31 also include and give the right to the company to withdraw the
33 water from the ponds, lakes, brooks, rivers and tributaries and
from reservoirs or basins that may be constructed for the
purposes aforesaid by pipes and aqueducts laid directly from them
or by artificial waterways to supply Mirror Lake and also to
connect the same with any of the mains of the company. Nothing
in this Act may in any way increase or extend the rights of the
company in or to the waters of Hobbs' Pond, Fish's Pond, Grassy
Pond or Rocky Pond or their tributaries. Nothing in this Act may
in any way limit or restrict recreational use of Megunticook Lake
and Megunticook River in the Town of Camden, Town of Lincolnville
and Town of Hope or curtail any recreational use existing on
those bodies of water in those towns as of the date of enactment
of this Act, except an area within 200 feet of an intake pipe as
necessary for the safety of the public.

35 **Sec. 2. P&SL 1880, c. 212, §2, first sentence, as repealed and**
37 **replaced by P&SL 1985, c. 40, §2, is amended to read:**

39 The company may erect and maintain dams upon any or all of the
41 lakes, ponds, brooks, Oyster River and tributaries of the water
43 identified in section 1, for the purpose of creating and
45 maintaining storage basins or reservoirs of water and may flow
47 the land of any riparian proprietor therefor, and may erect and
49 maintain reservoirs and lay down and maintain pipes and aqueducts
51 necessary for the proper accumulating, conducting, discharging,
distributing and disposing of the water, except that the right to
erect and maintain dams does not extend to and does not authorize
the erection and maintenance of dams on Megunticook Lake and
Megunticook River or tributaries in the Town of Camden and the
right to flow the land of any riparian proprietor does not extend
to or encompass Megunticook Lake and the Megunticook River or
tributaries.

1 **Sec. 3. P&SL 1880, c. 212, §2-A**, as enacted by P&SL 1985, c. 40,
§3, is amended to read:

3
5 **Sec. 2-A. Protection of public health, safety and welfare.** Prior to
7 withdrawing any water from the Megunticook River or Megunticook
9 Lake as authorized by section 1, the Camden and Rockland Water
Company shall obtain the approval of the Department of Human
Services in accordance with the Maine Revised Statutes, Title 22,
chapter 601.

11 In addition to any other requirements of law, the Department
13 of Human Services, in consultation with other agencies as
15 appropriate, shall establish the minimum flow and the minimum
17 water level necessary in the Megunticook River and Megunticook
Lake to ensure adequate water quality to protect public health.
The water company may not withdraw water from the Megunticook
River and Megunticook Lake unless that minimum flow and minimum
water level are met.

19 Upon receipt of petitions from the lesser of at least 25% or
21 50 of the riparian proprietors along the Megunticook River
23 between the outlet dams at Lake Megunticook and the Seabright
25 Dam, the Board of Environmental Protection shall establish and
27 issue an order implementing a water level regime for that stretch
of the Megunticook River, including inflow requirements as
necessary, according to the procedures and standards of the Maine
Revised Statutes, Title 38, section 840.

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STATEMENT OF FACT

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