

MAINE STATE LEGISLATURE

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L.D. 1703
(Filing No. S- 247)

**STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 609, L.D. 1703, Bill, "An Act to Amend the Charter of the Canton Water District"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the existing water system of the Town of Canton is inadequate for the needs of the inhabitants of the town; and

Whereas, that inadequacy is injurious to the health, welfare and safety of the inhabitants of that town; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve that inadequacy; and

Whereas, this legislation is immediately necessary to enable the inhabitants of the Town of Canton to take steps to remedy that inadequacy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P&SL 1957, c. 44, §1 is repealed and the following enacted in its place:

Sec. 1. Territorial limits; name; purposes. The territory and the inhabitants of that part of the Town of Canton which is bounded and described as follows: all areas west of the Androscoggin River; north and east of the Hartford town line;

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1 south of the Peru town line; and north and west of the Livermore
2 town line is created a body politic and corporate under the name
3 of the "Canton Water District" for the purpose of supplying the
4 inhabitants of that district and the Town of Canton with pure
5 water for domestic, sanitary, commercial and municipal purposes.

7 **Sec. 2. P&SL 1957, c. 44, §2** is amended to read:

9 **Sec. 2. Source of supply.** The said district, for the purposes
10 of its incorporation, is hereby authorized to take, hold, divert,
11 use and distribute water from any river, lake, pond, stream,
12 brook, well, spring or other source of water, natural or
13 artificial, within the town Town of Canton ~~or to contract to do~~
14 ~~any or all of the foregoing things.~~

15 **Sec. 3. P&SL 1957, c. 44, §3** is amended to read:

17 **Sec. 3. Right of eminent domain.** The said district, for the
18 purposes of its incorporation, is hereby authorized to take and
19 hold, as for public uses, real estate and personal estate, and
20 any interest ~~therein~~ in the estates, necessary or convenient for
21 such those purposes, by purchase, lease or otherwise, and is
22 hereby expressly authorized to exercise the right of eminent
23 domain as ~~hereinafter~~ provided in this Act to acquire for such
24 those purposes any land or interest ~~therein~~ or water rights
25 necessary for erecting and maintaining dams, plants and works,
26 for flowage, for power, for pumping, for supplying water through
27 its mains, for reservoirs, for preserving the purity of the water
28 and watershed, for laying and maintaining mains, aqueducts and
29 other structures for taking, distributing, discharging and
30 disposing of water and for rights-of-way or roadways to its
31 sources of supply, dams, power stations, reservoirs, mains,
32 aqueducts, structures and lands.

35 The said district is hereby authorized to lay in and through
36 the streets, roads, ways and highways of the town Town of Canton,
37 and across private lands ~~therein~~ in the town, and to maintain,
38 repair and replace all such pipes, mains, conduits, aqueducts and
39 fixtures as may be necessary and convenient for its corporate
40 purposes, and whenever said the district shall lay or install any
41 pipes, mains, conduits, aqueducts or fixtures in any street,
42 road, way or highway, it shall cause the same to be done with as
43 little obstruction as practicable to the public travel, and
44 shall, at its own expense, without unnecessary delay, cause the
45 earth and pavement removed by it to be so replaced as to leave
46 the surface in proper condition.

47 The said district is hereby authorized, for the purpose of
48 its incorporation, to erect and maintain all dams, reservoirs and
49 structures necessary and convenient for its corporate purposes.
50 ~~Provided, however, nothing herein contained~~ Nothing in this Act
51 ~~shall~~ may be construed as authorizing said the district to take

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1 by right of eminent domain any of the property or facilities of
 2 any other public service corporation or district used or acquired
 3 for future use by the owner thereof in the performance of a
 4 public duty unless expressly authorized ~~thereto~~-herein in this
 5 Act or by subsequent act of the Legislature.

7 **Sec. 4. P&SL 1957, c. 44, §4** is repealed and the following
 enacted in its place:

9
 11 **Sec. 4. Procedure in exercising right of eminent domain and**
 12 **assessment of damages; procedures on appeals.** The district in
 13 exercising, from time to time, any right of eminent domain
 14 conferred upon it by law or through or under the franchise of any
 15 water company acquired by it shall record in the Registry of
 16 Deeds in Oxford County plans of the location of all lands or
 17 interests therein or water rights to be taken, with an
 18 appropriate description and the names of the owners, if known.
 19 Notice of the proposed taking shall be given in person or by mail
 20 to each property owner whose whereabouts are known. When for any
 21 reason the district fails to acquire property which it is
 22 authorized to take and which is described in such location, or if
 23 the location so recorded is defective and uncertain, it may, at
 24 any time, correct and perfect such location and file a new
 25 description. In such case, the district is liable in damages
 26 only for property for which the owner had not previously been
 27 paid, to be assessed as of the time of the original taking, and
 28 the district shall not be liable for any acts which would have
 29 been justified if the original taking had been lawful. No entry
 30 may be made on any private lands, except to make surveys, until
 31 the expiration of 10 days from the giving of the notice of
 32 taking, whereupon possession may be had of all lands or interests
 33 therein or water rights and other property and rights as
 34 aforsaid to be taken, but title thereto shall not vest in the
 35 district until payment therefor.

36
 37 If any person sustaining damages by any taking pursuant to
 38 this section shall not agree with the district upon the sum to be
 39 paid, either party, upon petition to the Superior Court of Oxford
 40 County, may have the damages assessed. The procedure and all
 41 subsequent proceedings and right of appeal shall be under the
 42 same restrictions, conditions and limitations as are or may be by
 43 law prescribed in the case of damages for the laying out of
 44 highways.

45 **Sec. 5. P&SL 1957, c. 44, §6** is repealed and the following
 enacted in its place:

47
 48 **Sec. 6. Trustees; election; meetings; officers.** All of the affairs
 49 of the district shall be managed by a board of 3 trustees who
 50 shall be residents of the district and chosen as provided in this
 51 section.

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1 At each annual meeting of the district, one trustee shall be
3 elected by the district by ballot as provided in this Act to
5 serve until the annual meeting of the district occurring 3 years
7 thereafter and until a successor is elected and qualified.
9 Whenever any trustee ceases to be a resident of the district, the
11 trustee vacates the office of trustee. Any trustee who is absent
13 without excuse for 3 consecutive meetings of the board of
15 trustees shall be deemed to have resigned. All trustees, if
17 residents of the district, shall be eligible for reelection.
19 Vacancies in the office of trustee shall be filled by vote of the
21 remaining trustees, to complete the unexpired term.

23 As soon as convenient after the annual meeting, the board of
25 trustees shall hold a meeting at some convenient place in the
27 district, to be called by any member, in writing, designating the
29 time and place and delivered in hand or by mail to the other 2
31 members, not less than 2 full days before the meeting, provided
33 that they may meet by agreement without notice, immediately
35 following the annual meeting, other than an announcement at the
37 meeting. They shall elect a chair and clerk and, not necessarily
39 from their own number, a treasurer, and perform other business as
41 may be necessary to carry on the work of the district.

43 The trustees from time to time may choose and employ and fix
45 the compensation of any other necessary agents and other
47 employees, who shall serve at their pleasure. The treasurer
49 shall furnish bond in sums and with sureties as the board of
51 trustees may approve, the costs thereof to be paid by the
53 district. Members of the board of trustees shall be eligible to
55 serve any office on the board. The trustees, as officers, shall
57 receive as compensation for their services set by the selectmen
59 of the Town of Canton an amount not to exceed \$1,000 each per
61 year.

63 The trustees shall be sworn to the faithful performance of
65 the duties of the offices, which shall include the duties of any
67 member who shall serve as clerk or clerk pro tem. They shall
69 make and publish an annual report, including a report of the
71 treasurer, and that report may be included in, and published as
73 part of, the town report.

75 Sec. 6. P&SL 1957, c. 44, §10 is repealed and the following
77 enacted in its place:

79 **Sec. 10. Authorized to borrow money; to issue bonds and notes.** For
81 accomplishing the purposes of this Act, the district, through its
83 trustees, without district vote, is authorized to borrow money
85 temporarily and to issue negotiable notes. For the purpose of
87 renewing and refunding the indebtedness so created; paying any
89 necessary expenses and liabilities incurred under the provisions
91 of this Act; acquiring properties; paying damages; laying pipes,
93 mains, aqueducts and conduits; constructing,

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1 maintaining and operating a water plant or system; making
 3 renewals, additions, extensions and improvements to the same; and
 5 to cover interest payments during any period of construction, the
 7 district, through its trustees, without district vote, is also
 9 authorized to issue, from time to time, bonds, notes or other
 11 evidences of indebtedness of the district in one series, or in
 13 separate series, in such amount or amounts, bearing interest at
 15 such rate or rates, and having such terms and provisions as the
 17 trustees shall determine, provided that the total indebtedness of
 19 the district at any one time outstanding shall not exceed the sum
 21 of \$1,000,000. The bonds, notes and evidences of indebtedness
 23 may be issued to mature serially or made to run for such periods
 25 as the trustees may determine. Bonds, notes or evidences of
 27 indebtedness may be issued with or without provision for calling
the same prior to maturity, and, if callable, may be made
callable at par or at such premium as the trustees may
determine. All bonds, notes or other evidences of indebtedness
shall have inscribed upon their face the words "Canton Water
District," shall be signed by the treasurer and countersigned by
the chair of the board of trustees of the district, and, if
coupon bonds are issued, the interest coupons attached thereto
shall bear the facsimile signature of the treasurer. All bonds,
notes and evidences of indebtedness so issued by the district
shall be legal obligations of the district, which is declared to
be a quasi-municipal corporation under state law. All bonds,
notes and evidences of indebtedness issued by the district shall
be legal investments for savings banks in the State and shall be
tax exempt.

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Sec. 7. P&SL 1957, c. 44, §12, first paragraph is amended to read:

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Sec. 12. Water rates; application of revenue; sinking fund. All
 33 individuals, firms and corporations, whether private, public or
 35 municipal, shall pay to the treasurer of said the district the
 37 rates established by said the board of trustees for the water
 39 used by them. ~~Said-rates~~ Rates shall be uniform within the
 41 territory supplied by the district and shall be subject to the
 approval of the Public Utilities Commission. ~~Said-rates~~ Rates
 shall be so established as to provide revenue for the following
 purposes:

41

Sec. 8. P&SL 1957, c. 44, §13 is amended to read:

43

Sec. 13. Existing statutes not affected; rights conferred subject to
 45 **provisions of law.** Nothing herein contained is intended to repeal
 47 or shall be construed as repealing the whole or any part of any
 49 existing statute, and all the rights and duties herein mentioned
 shall be exercised and performed in accordance with all the
 applicable provisions of ~~chapter 44 of the Revised Statutes of~~
 1954, ~~and all acts amendatory thereof or additional thereto~~ state
 51 law.

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Sec. 9. P&SL 1957, c. 44, §14, first paragraph, last sentence is amended to read:

Ten ~~Five~~ percent of the persons qualified to vote in such meetings shall constitute a quorum.

Sec. 10. P&SL 1957, c. 44, §14, last paragraph is amended to read:

All persons resident in said ~~the~~ district and qualified to vote for Governor under the laws of this State shall be entitled to vote in any meeting of the district, ~~including the meeting for acceptance of this charter.~~

Sec. 11. P&SL 1957, c. 44, §15 is amended to read:

Sec. 15. Trustees granted certain powers of selectmen. ~~After the meeting for acceptance of this charter, the~~ The trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in said ~~the~~ district, and for that purpose they, or persons acting on their behalf, shall be in session at the office of the said district for one hour next before the opening of any meeting; and notice thereof shall be given in the call for the meeting. All meetings of the district shall be presided over by a ~~the~~ moderator chosen in the same manner and with the same authority as moderators of town meetings.

Emergency clause and referendum. In view of the emergency cited in the preamble, this Act shall take effect when approved for the purpose of submitting the question of whether to increase the total indebtedness of the district from \$200,000 to \$1,000,000 to the legal voters of the Canton Water District, resident in the district, at the next regular town meeting or at a special town meeting to be called and held for the purpose by December 31, 1989. The election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town shall not be required to prepare for posting, nor the town clerk to post, a new list of voters and for the purpose of registration of voters the board of voter registration shall be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'An Act to Increase the Total Authorized Indebtedness of the Canton Water District from \$200,000 to \$1,000,000,' passed by the 114th Legislature, be accepted?"

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1 The voters shall indicate by a cross or check mark placed
against the words "Yes" or "No," their opinion of the same. This
3 Act shall take effect immediately upon its acceptance by a
majority of the legal voters voting at the election.

5

The result of the vote shall be declared by the municipal
7 officers of the Town of Canton and due certificate thereof shall
be filed by the town clerk with the Secretary of State.'

9

11

STATEMENT OF FACT

13 This amendment changes the territorial limits of the
district, increases the trustees' compensation, raises the
15 borrowing limit for the water district and makes other minor
changes to the original charter.

Reported by Senator Bost for the Committee on Utilities.
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/9/89) (Filing No. S-247)