

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2143

S.P. 839

In Senate, January 9, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Oxford

Cosponsored by Representative POWERS of Coplin Plantation and Representative BARTH of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Reestablish the Rangeley Water District.



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

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Sec. 1. Territorial limits; corporate name; purposes. Subject to section 17, the inhabitants and territory within the Town of Rangeley, Rangeley Plantation and Sandy River Plantation, beginning on the easterly shore of Rangeley Lake at the Rangeley and Rangeley Plantation town line, thence southerly along the easterly shore of Rangeley Lake to Long Pond Stream, thence along the easterly side of Long Pond Stream to a point on the westerly side of Cascade Stream, thence due east to a point 1,320 feet east of Route 4, thence due north to a point in the middle of Cascade Stream, thence northwesterly to the common corner of the Town of Rangeley, Town of Dallas, Sandy River Plantation and Rangeley Plantation, thence northerly along the Dallas and Rangeley town line to a point 500 feet northerly from Route 16, thence due west to a point in the center of Hatchery Brook, thence due south to the shore of Rangeley Lake, thence along the northerly and easterly shore of Rangeley Lake to the point of beginning; and also all real properties of the Rangeley Water Company in Sandy River Plantation and Rangeley Plantation in the County of Franklin constitutes a public municipal corporation under the name of "Rangeley Water District" for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes.

Sec. 2. Powers of Rangeley Water District. The Rangeley Water District, for the purposes of its incorporation, may take, collect, store, flow, use, divert, distribute and convey to the district, or any part of the district, water from any source approved by the Department of Human Services, natural or artificial, within the area of the Town of Rangeley, Rangeley Plantation and Sandy River Plantation and from any other source from which the Rangeley Water Company may take water. It may also locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary structures and equipment and do anything necessary to furnish water for public purposes and for the public health, comfort and convenience of the inhabitants and others of the district, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the district created by this Act.

Sec. 3. Authorized to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The district may lay in and through the streets, roads, ways, highways and bridges in the Town of Rangeley, Rangeley Plantation and Sandy River Plantation and across private lands in the Town of Rangeley, Rangeley

2 Plantation and Sandy River Plantation and maintain, repair and
3 replace all such pipes, mains, conduits, aqueducts and fixtures
4 and appurtenances as may be necessary and convenient for its
5 corporate purposes and, whenever the district lays any pipes,
6 mains, conduits, aqueducts and fixtures or appurtenances in any
7 street, road, way or highway, it shall cause the same to be done
8 with as little obstruction as practicable to the public travel
9 and, at its own expense, without unnecessary delay, shall cause
10 the earth and pavement removed by it to be replaced in proper
11 condition.

12 **Sec. 4. Authorized to erect dams and reservoirs; to cross navigable**
13 **waters; to supply water to utilities.** The district, for the purposes of
14 its incorporation, may erect and maintain all dams, reservoirs
15 and structures necessary and convenient for its corporate
16 purposes. The district may lay, construct and maintain its pipes
17 and fixtures in, over and under navigable waters and build and
18 maintain structures for the pipes and fixtures, subject to the
19 laws of the United States. The district may supply water to any
20 public utility now supplying water in Franklin County, subject to
21 the consent of the Public Utilities Commission.

22 **Sec. 5. Rights of eminent domain.** The district, for the
23 purposes of its incorporation, may take and hold, as for public
24 uses, real estate and personal estate and any interest in real
25 estate and personal estate necessary or convenient for those
26 purposes, by purchase, lease or otherwise and may exercise the
27 right of eminent domain as provided in this Act, to acquire for
28 those purposes any land or interest in land or water rights
29 necessary for erecting and maintaining dams, plants and works,
30 for flowage, power, pumping, supplying water through its mains;
31 for reservoirs, preserving the purity of the water and watershed;
32 for laying and maintaining aqueducts and other structures; for
33 taking, distributing, discharging and disposing of water; and for
34 rights-of-way or roadways to its sources of supply, dams, power
35 stations, reservoirs, mains, aqueducts, structures and lands.

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38 This section may not be construed as authorizing the
39 district to take by right of eminent domain any of the property
40 or facilities of any other public utility used, or acquired for
41 future use, by the owner of that property or those facilities in
42 the performance of a public duty, unless expressly authorized to
43 do so by this section or by subsequent act of the Legislature or
44 as provided in section 6.

45 **Sec. 6. Procedure if public utility must be crossed.** In case of
46 crossing of any public utility, unless consent is given by the
47 company owning and operating the public utility as to place,
48 manner and conditions of the crossing within 30 days after
49 consent is requested by the district, the Public Utilities
50 Commission,

2 upon petition by the district, shall determine the place, manner
and conditions of the crossing, and all work on the property of
4 the public utility must be done under the supervision and to the
satisfaction of the public utility or as prescribed by the Public
Utilities Commission, but at the expense of the district.

6
8 **Sec. 7. Procedure in exercising of eminent domain.** The district,
in exercising, from time to time, any right of eminent domain in
10 the taking of land, interests in the land or water rights, shall
file in the office of the county commissioners of Franklin County
12 and record in the Franklin County Registry of Deeds plans of the
location of all property to be taken, with an appropriate
14 description and the names of the owners, if known. Notice of the
filing must be sent by mail to the owners at the address
16 appearing on the tax records of the municipality in which the
land is located. When for any reason the district fails to
18 acquire the property it is authorized to take, and which is
described in that location, or if the location recorded is
20 defective or uncertain, it may, at any time, correct and perfect
that location and file a new description, and in that case the
22 district is liable for damages only for property for which the
owner had not previously been paid, to be assessed as of the time
24 of the original taking, and the district is not liable for any
acts that would have been justified if the original taking had
26 been lawful. Entry may not be made on any private lands, except
to make surveys, until the expiration of 10 days from that
28 filing, at which time possession may be had of all lands,
interests in the lands or water rights so taken, but title does
not vest in the district until payment has been made.

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32 **Sec. 8. Adjustment of damages; procedure as in laying out of
highways.** If any person sustaining damages by any taking
34 pursuant to the right of eminent domain does not agree with the
district upon the sum to be paid for the taking, either party,
upon petition to the county commissioners of Franklin County, may
36 have the damages assessed by them. The procedure and all
subsequent proceedings and right of appeal are under the same
38 restrictions, conditions and limitations as are or may be by law
prescribed in the case of damages by the laying out of highways.

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42 **Sec. 9. Trustees; how elected; first board; meeting; officers.** All of
the affairs of the district must be managed by a board of
44 trustees composed of 5 members; 3 members from the Town of
Rangeley, one member from Sandy River Plantation and one member
46 from Rangeley Plantation and, after selection of the first board,
elected as provided in the Maine Revised Statutes, Title 35-A,
chapter 63.

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50 **1. First board.** Within 14 days after acceptance of this
Act, the municipal officers of the Town of Rangeley, Rangeley

2 Plantation and Sandy River Plantation at a special district
meeting, shall give notice of a special election of the Rangeley
4 Water District, for the purpose of selecting the first board of
trustees, by posting a notice at least 30 days prior to the date
6 set for election. The notice must be posted, in a conspicuous
public place, in all 3 towns. The voters of the district from
8 the Town of Rangeley shall elect 3 initial trustees; one for a
term expiring at the following March town meeting, one for a term
expiring a year later and one for a term expiring 2 years later.
10 The voters of the district from Sandy River Plantation shall
elect one initial trustee for a term expiring at the following
12 March town meeting. The voters of the district from Rangeley
Plantation shall elect one initial trustee for a term expiring at
14 the following March town meeting. Elections must be held in
accordance with the requirements for municipal elections.
16 Vacancies are filled pursuant to subsection 4.

18 **2. Organization; conduct of business.** Organization and
powers of the board of trustees must be in accordance with the
20 Maine Revised Statutes, Title 35-A, chapter 63.

22 All decisions of the board of trustees must be by a majority
of those present and voting. A quorum of the board of trustees
24 is 3 trustees.

26 Trustees are entitled to compensation in accordance with the
Maine Revised Statutes, Title 35-A, chapter 63.

28 **3. Bylaws.** The trustees may adopt and establish bylaws as
30 necessary for the proper management of the affairs of the
district.

32 **4. Vacancy.** Whenever the term of office of a trustee
34 expires, the trustee's successor must be elected by a plurality
vote by the inhabitants of the district. For the purpose of
36 election, a special election must be called and held on the same
date as the annual municipal election, the election to be called
38 by the trustees of the district in the same manner as town
meetings are called and for this purpose the trustees are vested
40 with the powers of municipal officers of towns. The trustee so
elected shall serve the full term of 3 years. If any vacancy
42 arises in the membership of the board of trustees, it must be
filled in like manner for the unexpired term by a special
44 election to be called by the trustees of the district. When any
trustee ceases to be a resident of the district, the trustee
46 shall vacate the office of trustee and the vacancy must be filled
as provided in this section. All trustees are eligible for
48 reelection, but a person who is a municipal officer in the Town
of Rangeley is not eligible for nomination or election as trustee.

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2 The trustees may procure an office and incur such expenses
as may be necessary.

4 The trustees shall appoint a registrar of voters for the
district, who may also be the registrar of voters for the Town of
6 Rangeley, and fix the registrar's salary. It is the registrar's
duty to make and keep a complete list of all the eligible voters
8 of the district. The list prepared by the registrar, as provided
by the laws of the State, governs the eligibility of any voter.
10 In determining the eligible voters of the district, the registrar
of voters shall exclude from that list and from all checklists
12 the legal voters who are resident outside the territorial limits
of the district as defined in this Act. All warrants issued for
14 elections by the trustees must be varied accordingly to show that
only the voters resident within the territorial limits of the
16 district are entitled to vote.

18 **Sec. 10. Annual report.** The trustees shall make and publish
an annual report, including a report of the treasurer. The
20 report may be included in and published as part of the annual
town reports of the Town of Rangeley, Rangeley Plantation and
22 Sandy River Plantation.

24 **Sec. 11. District and town authorized to make and assume
contracts.** The district, through its trustees, may contract with
26 persons and corporations, including the Town of Rangeley,
Rangeley Plantation and Sandy River Plantation, and those towns
28 may contract with the district for the supply of water for
municipal purposes.

30 **Sec. 12. Authorized to receive government aid; borrow money; issue
32 bonds and notes.** For accomplishing the purposes of this Act and
for such other expenses as may be necessary for the carrying out
34 of these purposes, the district, through its trustees, without
vote of the inhabitants, may receive state and federal aid
36 grants, borrow money temporarily and issue for the money its
negotiable notes for the purpose of renewing and refunding the
38 indebtedness so created, for paying any necessary expenses and
liabilities incurred under this Act, including organizational and
40 other necessary expenses and liabilities, and in acquiring
properties, paying damages, laying pipes, mains, aqueducts and
42 conduits, constructing, maintaining and operating a water plant
or system and making renewals, additions, extensions and
44 improvements to the water plant or system and to cover interest
payments during the period of construction. The district,
46 through its trustees, without the vote of its inhabitants, may
also issue, from time to time, in accordance with the Maine
48 Revised Statutes, Title 35-A, chapter 63, bonds, notes or other
evidences of indebtedness of the district in such amount or
50 amounts bearing interest at such

2 rate or rates, selling at par or at a discount or a premium and
4 having such other terms and provisions as the trustees determine,
except that loans running for one year or less do not require the
Public Utilities Commission's approval.

6 The bonds, notes and evidences of indebtedness may be issued
8 to mature serially or made to run for such periods as the
trustees determine. Bonds, notes or evidences of indebtedness
10 may be issued with or without provisions for calling the bonds,
notes or evidences of indebtedness prior to maturity and, if
12 callable, may be made callable at par or at such premium as the
trustees determine. All bonds, notes or other evidences of
14 indebtedness must have inscribed upon their face the words
"Rangeley Water District" and be signed by the treasurer and
16 countersigned by the president of the board of trustees of the
district. If coupon bonds are issued, the interest coupon
18 attached to the coupon bonds must bear the facsimile signature of
the treasurer.

20 All bonds, notes and evidences of indebtedness so issued by
22 the district, which is declared to be a quasi-municipal
corporation, are legal obligations of the district within the
24 meaning of the Maine Revised Statutes, Title 30-A, section 5701.

26 The district may refund and reissue, from time to time, in
one or in separate series, its bonds, notes and other evidences
28 of indebtedness, and each authorized issue constitutes a separate
loan. All bonds, notes and evidences of indebtedness issued by
30 the district are legal investments for savings banks in the State
and are free from taxation.

32 **Sec. 13. Authorized to acquire property and franchises of Rangeley**
34 **Water Company.** The district, through its trustees, may acquire
by purchase the entire plant, properties, franchises, rights and
36 privileges owned by the Rangeley Water Company located or serving
the Town of Rangeley, Sandy River Plantation and Rangeley
38 Plantation, including all lands, waters, water rights,
reservoirs, pipes, machinery, fixtures, hydrants, tools and all
40 apparatus and appliances used or usable in supplying water in the
area of the district. The district may acquire by the exercise
42 of the right of eminent domain, a right expressly delegated to
the district for that purpose, the entire plant, properties,
44 franchises, rights and privileges except cash assets and accounts
receivable, owned by the Rangeley Water Company, including all
46 lands, waters, water rights, dam structures, reservoirs, pipes,
machinery, fixtures, hydrants, tools and all apparatus and
48 appliances used or usable in supplying water in the area of the
district, and if and when so acquired, the district, in addition
50 to the powers conferred by this Act, shall have and enjoy and be
entitled to exercise all rights, privileges and franchises of the
Rangeley Water Company.

2 In exercising the right of eminent domain under this Act,
the trustees shall file with the district clerk a condemnation
4 order that includes a detailed description of the property
interests to be taken, the name or names of the owner or owners
6 of record so far as they can be reasonably determined and the
amount of damages determined by the trustees to be just
8 compensation for the property or interest therein taken. The
trustees shall then serve upon the owner or owners of record a
10 copy of the condemnation order and a check in the amount of the
damages awarded and record a certified copy of the condemnation
12 order in the Franklin County Registry of Deeds. In the event of
multiple ownership, the check may be served on any one of the
14 owners. This title passes to the district upon service of the
order of condemnation and check or upon recordation in accordance
16 with this Act, whichever occurs first. Acceptance and
negotiation of the check do not bar an appeal under this Act.

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20 Any person aggrieved by the determination of the damages
awarded to owners of property or interests therein under this Act
may, within 60 days after service of the condemnation order and
22 check, appeal to the Superior Court of Franklin County. The
court shall determine damages by a verdict of its jury or, if all
24 parties agree, by the court without a jury or by a referee or
referees, and shall render judgment for just compensation, with
26 interest when such is due, and for costs in favor of the party
entitled thereto. Appeal from the decision of the Superior Court
28 may be had to the Law Court, as in other civil actions.

30 **Sec. 14. Rates.** The rates established pursuant to this
section must be sufficient to provide revenue for the purposes of
32 this Act and for all other purposes of the district, without the
need for any financial assistance from the Town of Rangeley,
34 Sandy River Plantation or Rangeley Plantation, other than the
normal payment of water charges for services rendered and the
36 loan or loans for initial funds as set forth in section 12.
Individuals, firms and corporations, whether private, public or
38 municipal, shall pay to the treasurer or other designated officer
of the district the rates established by the board of trustees
40 for the water used by them. The rates must be established in
accordance with the Maine Revised Statutes, Title 35-A, chapter
42 61, to provide for the purposes set forth therein.

44 **Sec. 15. Existing laws not affected; rights conferred subject to**
provisions of law. Nothing contained in this Act is intended to
46 repeal, or may be construed as repealing, the whole or any part
of any existing law, and all the rights and duties mentioned in
48 this Act must be exercised and performed in accordance with all
the applicable provisions of and amendatory acts to the Maine
50 Revised Statutes,

2 Title 35-A to the extent that that Title and its amendments
affect the operations of the district.

4 **Sec. 16. Separability clause.** If any section or part of a
6 section of this Act is held invalid by a court of competent
jurisdiction, the holding does not affect the remainder of this
8 Act, it being the intention that the remaining portions of this
Act stand, notwithstanding the unconstitutionality or invalidity
of any section, sentence, clause or phrase.

10 **Sec. 17. Acceptance subject to referendum.** This Act must be
12 submitted to the legal voters within the district at an election
called for that purpose and held by December 31, 1993. The
14 election must be called, advertised and conducted according to
the law relating to municipal elections, except that the
16 registrar of voters is not required to prepare or the clerk to
post a new list of voters and, for this purpose, the registrar of
18 voters must be in session the 3 secular days preceding the
election, of which the first 2 days must be devoted to
20 registration of the voters and the last day to verification of
the list and completion of the records of these sessions by the
22 registrar. The subject matter of this Act is reduced to the
following question:

24 "Shall the Rangeley Water District be created?"

26 The voters shall indicate by a cross or check mark placed
28 against the words "Yes" or "No" their opinion of the same.

30 The results must be declared by the municipal officers of
the Town of Rangeley, Sandy River Plantation and Rangeley
32 Plantation and the due certificate of the results filed by the
clerk with the Secretary of State.

34 This Act takes effect upon its acceptance by a majority of
36 the legal voters within the district voting at the special
election. Failure of the approval by the necessary majority of
38 voters at any such election does not prevent a subsequent
election or elections from being held for that purpose.

42 **STATEMENT OF FACT**

44 This bill reestablishes the Rangeley Water District.