

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1484

H.P. 1097

House of Representatives, May 10, 1993

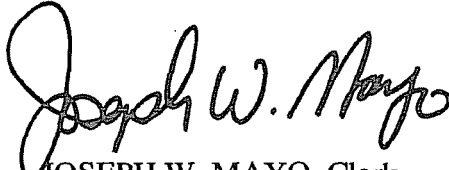
**An Act to Amend the Charter of the Boothbay Harbor Water System.**

(AFTER DEADLINE)

(EMERGENCY)

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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.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HEINO of Boothbay.  
Cosponsored by Representatives: CLARK of Millinocket, JACQUES of Waterville, Senator:  
GOULD of Waldo.

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

Whereas, the Boothbay and Boothbay Harbor Water System,  
which is wholly owned by the Town of Boothbay Harbor, must take  
immediate action to bring the system into compliance with the  
federal Safe Drinking Water Act; and

Whereas, in order for the system to comply with the federal  
Safe Drinking Water Act, the system must construct a water  
treatment or purification plant adjacent to the system's water  
source at Adams Pond in Boothbay Center; and

Whereas, construction and operation of any water treatment  
or purification plant necessitates the acquisition of property  
and the use of infrastructure to convey wastewater from any such  
plant to the town's wastewater treatment facility in Boothbay  
Harbor; and

Whereas, the current charter of the system does not grant  
the system the authority to acquire property and to construct and  
use infrastructure for water purification or for the conveyance  
of wastewater; and

Whereas, the interests of the system and the inhabitants of  
the Town of Boothbay Harbor would best be served if the charter  
of the system is immediately amended to grant the system the  
requisite authority to enable construction and operation of a  
water treatment or purification plant; 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 1895, c. 56, §2, as amended by P&SL 1937, c. 52,  
§1, is further amended to read:

**Sec. 2. Authority to convey and sell and purify water; authority to  
convey wastewater.** Said The town is further authorized and  
empowered, in case it obtains control of said the corporation  
either directly by purchase, or indirectly through ownership of  
stock, to take water from Adams pond in the town of Boothbay or  
from any other ponds or supply ~~within~~ in the towns of  
Boothbay and, Boothbay Harbor and Southport, sufficient for all  
domestic, sanitary, municipal and commercial purposes, to perform  
such operations and procedures as may be necessary to ensure the  
purity of any water so taken, including constructing

2 and operating water treatment and purification facilities, and to  
3 take and convey the same, through the towns of Boothbay and,  
4 Boothbay Harbor, Southport and to Squirrel Island, Mouse Island  
5 and other adjacent islands. Said The town is also authorized and  
6 empowered, to sell water to the town towns of Boothbay and  
7 Southport and to any company, individual, firm or corporation in  
8 the towns of Boothbay and, Boothbay Harbor, Southport and  
9 Squirrel Island. The town is also authorized to convey through  
10 the towns of Boothbay, Boothbay Harbor and Southport such  
11 wastewater as may be produced in the operation of any water  
12 treatment or purification facility.

13 **Sec. 2. P&SL 1895, c. 56, §3,** as amended by PL 1973, c. 625,  
14 §282, is further amended to read:

15 **Sec. 3. Powers.** Said The town of Boothbay Harbor shall have  
16 has the power, and is hereby authorized to survey for, lay, erect  
17 and maintain suitable dams, reservoirs, aqueducts, pipes,  
18 hydrants, buildings, treatment or purification plants, pumping  
19 equipment and fixtures for flowage, power, and for pumping its  
20 water supply or for conveying wastewater produced in the  
21 operation of a treatment or filtration facility through its mains  
22 and to enter upon any land or public way for laying, erecting and  
23 maintaining such the pipes and structures, and to make surveys  
24 for the same and to pass over, excavate and flow any lands. Said  
25 The town is hereby authorized to take and hold for such public  
26 uses by purchase, eminent domain or otherwise, any land that may  
27 be necessary for supplying water, treating or purifying water,  
28 conveying wastewater and laying and maintaining its said pipe  
29 lines, and constructing other structures, for preserving the  
30 purity of its watershed, for ensuring the purity of its water  
31 supply, for rights of way or roadways to its sources of supply,  
32 dams, power stations, reservoirs, mains, aqueducts, structures  
33 and land, and hold all real estate and personal property  
34 necessary or convenient therefor.

35 Said The town is hereby authorized to issue its general  
36 obligation securities for the purposes hereof in such amounts and  
37 upon such terms as it may for municipal purposes under the  
38 provisions of Maine Revised Statutes, Title 30 30-A, section 5152  
39 5772. All actions previously taken by the Town of Boothbay  
40 Harbor relative to the issuance of bonds or notes and by its  
41 municipal officers together with the board of water commissioners  
42 for the above purposes are hereby confirmed, validated and made  
43 effective.

44 **Sec. 3. P&SL 1895, c. 56, §7,** as amended by P&SL 1967, c. 62, is  
45 further amended to read:

46 **Sec. 7. Board of water commissioners; duties; compensation; town**  
47 **manager, powers and duties.** Said The town is hereby authorized to  
48 elect by ballot a board of water commissioners  
49 and to pay to the members of the board of water commissioners  
50 such compensation as the town may determine.

2 consisting of 3 persons, the first 3 chosen to serve one for one  
year, one for 2 years and one for 3 years and thereafterwards  
4 after the initial election one commissioner shall-be is elected  
annually in the month of March to serve a term of 3 years. The  
6 water commissioner who receives the largest number of votes cast  
at the first election shall hold office for 3 years. The water  
8 commissioner who receives the next largest number of votes cast  
at the first election shall hold office for 2 years, and the  
10 water commissioner who receives the next largest number of votes  
cast at the first election shall hold office for one year, and  
12 shall serve until their successors are elected and qualified. If  
a commissioner resigns from office before the expiration of the  
commissioner's term or is otherwise unable to complete the term,  
14 the remaining 2 commissioners may appoint a new commissioner to  
complete the term of the departed commissioner. The 2 remaining  
16 commissioners must agree on the appointment in order to exercise  
their appointment authority. Said The commissioners are  
18 authorized to fix the water rates and determine the conditions  
and the manner of the water supply, and shall have the general  
20 control and management of the water system owned by the town.  
They--shall The commissioners are entitled to receive such  
22 compensation for their services as may be fixed by the town.  
Whenever--said When the town shall-vote votes to employ a town  
24 manager, but not in union with one or more other towns, said the  
town manager shall--be is the administrative head of the water  
26 system and responsible to the water commissioners. His The town  
manager's powers and duties in connection therewith--shall-be with  
28 the water system are the same as in the management of the  
municipal affairs of the town so far as applicable. Purchases  
30 and disbursements shall--be are made by the town manager on  
vouchers signed by a majority of the commissioners.

32  
34 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

### 36 STATEMENT OF FACT

38  
40 This bill clarifies the power and authority of the Boothbay  
Harbor Water System to construct a water treatment, purification  
42 and filtration plant, to lay pipes and construct such other  
facilities or fixtures for the conveyance of wastewater to enable  
44 the operation of any such treatment or purification plant and to  
acquire property for the purpose of operating any such plant,  
46 conveying wastewater or constructing or installing any equipment  
incidental to these purposes.

48 In addition, this bill extends the territory within which  
the Boothbay Harbor Water System may operate to include the Town  
50 of Southport, Mouse Island and other adjacent islands. In the  
beginning of this century the system's territorial authority did  
52 extend to include the Town of Southport and all the adjacent

2 islands but an intervening charter change eliminated any  
3 reference to these areas. This bill reincorporates the Town of  
4 Southport to accommodate the request from the Town of Southport  
5 that the system extend its operations into that municipality to  
6 assist in attaining compliance with applicable drinking water  
7 laws.

8 Finally, this bill establishes the authority of the water  
9 commissioners to appoint a new commissioner to complete the  
10 unexpired term of a commissioner who is unable to complete that  
11 term.