

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1638

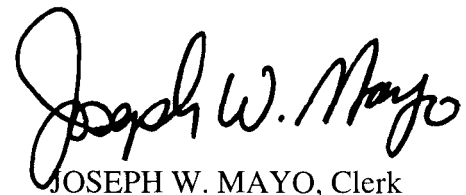
H.P. 1194

House of Representatives, January 4, 1996

An Act to Amend the Charter of the Boothbay Harbor Water District.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Utilities and Energy suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HEINO of Boothbay.
Cosponsored by Senator BEGLEY of Lincoln and
Representative: KONTOS of Windham.

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

2
3 **Sec. 1. P&SL 1895, c. 56, §2**, as amended by P&SL 1993, c. 38,
4 §1, is further amended to read:

6 **Sec. 2. Authority to convey and sell and purify water; authority to**
7 **convey wastewater; territory.** The town is further authorized and
8 empowered, ~~in case it obtains control of the corporation either~~
9 ~~directly by purchase, or indirectly through ownership of stock,~~
10 to take water from Adams pond in the town of Boothbay or from any
11 other ponds or supply in the ~~towns of Boothbay,~~ Boothbay Harbor
12 and ~~Southport~~ Water System Service Area, sufficient for all
13 domestic, sanitary, municipal and commercial purposes, to perform
14 such operations and procedures as may be necessary to ensure the
15 purity of any water so taken, including constructing and
16 operating water treatment and purification facilities, and to
17 take and convey the same, through the ~~towns of Boothbay,~~ Boothbay
18 Harbor, ~~Southport and to Squirrel Island, Mouse Island and other~~
19 ~~adjacent islands~~ Water System Service Area. The town, acting
20 through its Board of Water Commissioners, is also authorized and
21 empowered, to sell water to the towns of Boothbay and ~~Southport,~~
22 ~~to the Village Corporation of Squirrel Island~~ Harbor Water System
23 Service Area and to any company, individual, firm or corporation
24 in the towns of Boothbay, Boothbay Harbor and Southport. The
25 town is also authorized to convey through the towns of Boothbay,
26 Boothbay Harbor and Southport such wastewater as may be produced
27 in the operation of any water treatment or purification
28 facility. The Boothbay Harbor Water System Service Area includes
29 the area bounded and described as follows:

30
31 That part of the town of Boothbay commencing on the boundary line
32 between Boothbay and Boothbay Harbor at a distance westerly along
33 said line of 2,000 feet from the center line of the Beath Road,
34 thence continuing in a northerly direction to the intersection of
35 the Beath Road with the road passing by the Country Club, which
36 intersection is known as Houlton's Corner, thence continuing in a
37 northeasterly direction along the center line of Butler Road to
38 the intersection of Butler Road with Pleasant Cove and Pension
39 Ridge Road, thence continuing in a northerly direction along the
40 center line of Pension Ridge Road to the intersection of Pension
41 Ridge Road with Ambleside Road, thence continuing in a
42 northeasterly direction along the center of Ambleside Road to the
43 end of Ambleside Road, thence continuing in a straight line
44 further in a northeasterly direction through Pleasant Cove to the
45 southwest point in the angle of the boundary line between
46 Boothbay and Bristol at the end of Pleasant Cove, thence
47 continuing in a generally northerly, westerly, southerly, and
48 easterly direction along the boundary line of Boothbay and
49 Bristol and Boothbay and Edgecomb and Boothbay and Westport and
50 Boothbay and Boothbay Harbor to the point of beginning.

2 The Boothbay Harbor Water System Service Area also includes the
4 towns of Boothbay Harbor and Southport. The Boothbay Harbor
6 Water System has the exclusive authority to provide services to
8 the areas described in this section, but not to Southport. The
10 Boothbay Harbor Water System Service Area also includes the
12 Village Corporation of Squirrel Island, Mouse Island and other
14 adjacent islands, but the Boothbay Harbor Water System does not
16 have exclusive authority to provide services to these areas.

18 **Sec. 2. P&SL 1895, c. 56, §4** is amended to read:

20 **Sec. 4. Fill plan of location in registry of deeds; file statement of**
22 **damages.** Said The town shall file in the registry of deeds for
24 the county of Lincoln, plans and description of the location of
26 all the lands and water rights taken under the provisions of this
28 act, and ~~no~~ entry shall may not be made upon any land, except to
make surveys, until the expiration of ~~ten~~ 10 days from ~~sueh~~ the
filing, and with ~~sueh~~ the plan said the town may file a statement
of the damages it is willing to pay to any person for any
property or property rights ~~so~~ taken; and if the amount finally
awarded does not exceed that sum, the town shall recover costs
against said a person, otherwise ~~sueh~~ that person shall recover
costs against said the town. Within ~~thirty~~ 30 days after the
filing of said the plans and description, the town shall publish
notice of ~~sueh~~ the taking and filing, in ~~some~~ a newspaper in said
the county, ~~sueh~~ the publication to be continued ~~three~~ 3 weeks
successively.

30 **Sec. 3. P&SL 1895, c. 56, §§5 and 6** are amended to read:

32 **Sec. 5. Liable for all damages; damages, how ascertained in case of**
34 **disagreement.** Said The town shall must be held liable to pay all
36 legal damages that ~~shall-be~~ are sustained by any person by the
38 taking of ~~his~~ that person's land, water rights or other property,
or by flowage, or by excavating through any land for the purpose
of laying down pipes and aqueducts, building dams and reservoirs;
and if any person sustaining damages ~~as-aforsaid~~ and said the
town are unable to agree upon the sum to be paid ~~therefor~~ for the
40 damages, ~~sueh~~ the persons, or said the town may, within ~~twelve~~ 12
42 months after the filing of said the plans and location, apply to
the commissioners of the county of Lincoln who shall ~~cause-sueh~~
44 have the damages ~~to-be~~ assessed in the same manner and under the
same conditions, restrictions, limitations and rights of appeal
as are by law prescribed in the case of damages for the laying
46 out of highways, so far as ~~sueh~~ the law is consistent with the
provisions of this act. A The failure to make ~~sueh~~ an
48 application within ~~said---~~ twelve 12 months shall ~~---be~~

held is deemed to be a waiver of all rights to claim damages therefor.

Sec. 6. Authorized to make contract with any water company, for sale or lease of any system of work. Said The town is further authorized and empowered to enter into contracts with any duly organized water company, for the sale or lease to said the water company of any system of water works owned by said the town, on such terms and subject to such conditions as a majority of the voters of said the town at a legal meeting called therefor for that purpose may prescribe.

Sec. 4. P&SL 1895, c. 56, §7, as amended by P&SL 1993, c. 38, §3, is repealed and the following enacted in its place:

Sec. 7. Board of water commissioners; duties; compensation; town manager, powers and duties. The town may elect by ballot a board of water commissioners consisting of 3 persons, the first 3 chosen to serve one for one year, one for 2 years and one for 3 years and, after the initial election, one commissioner is elected annually in the month of May to serve a term of 3 years. The water commissioner who receives the largest number of votes cast at the first election shall hold office for 3 years. The water commissioner who receives the next largest number of votes cast at the first election shall hold office for 2 years and the water commissioner who receives the next largest number of votes cast at the first election shall hold office for one year. The water commissioners 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, the remaining 2 commissioners may appoint a new commissioner to complete the term of the departed commissioner. The 2 remaining commissioners must agree on the appointment in order to exercise their appointment authority. The commissioners may fix water rates and determine the conditions and manner of the water supply and have general control and management of the water system owned by the town. The commissioners are entitled to receive such compensation for their services as may be fixed by the town. When the town votes to employ a town manager, but not in union with one or more other towns, the town manager is the administrative head of the water system and responsible to the water commissioners. The town manager's powers and duties in connection with the water system are the same as in the management of the municipal affairs of the town, so far as applicable. Purchases and disbursements are made by the town manager on vouchers signed by a majority of the water commissioners.

2

STATEMENT OF FACT

4

6 This bill amends the charter of the Town of Boothbay Harbor
Water System. This bill clarifies that the service area of the
Boothbay Harbor Water System includes territory also served by
8 the East Boothbay Water District. This bill also grants to the
Boothbay Harbor Water System the exclusive authority to provide
10 water services to portions of Boothbay and all of Boothbay Harbor
and Southport, and the nonexclusive authority to provide water
12 services to Squirrel Island, Mouse Island and other adjacent
islands.