

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1668

H.P. 1218

House of Representatives, January 9, 1996

**An Act to Protect Sources of Drinking Water in the Towns of Searsport,
Stockton Springs and Prospect.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo". The signature is written in a cursive style with a large, looping initial "J".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

Cosponsored by Representatives: McELROY of Unity, TUFTS of Stockton Springs.

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

4 **Sec. 1. P&SL 1947, c. 75, §1** is amended to read:

6 **Sec. 1. Territorial limits; name; purposes.** The inhabitants and
territory within the town Town of Searsport ~~shall be and hereby~~
8 ~~are constituted~~ and the Town of Stockton Springs constitute a
body politic and corporate by the name of Searsport Water
10 District for the purpose of supplying the town Town of Searsport
and the inhabitants of said that town and the inhabitants of the
12 Town of Stockton Springs or any part of said either town with
pure water for domestic, sanitary, agricultural, commercial,
14 industrial and all lawful municipal purposes; ~~provided, however,~~
except that the said district shall may not construct any system
of pipe lines or development without first having submitted its
16 plans to the ~~public--utilities--commission~~ Public Utilities
Commission and obtained its advice ~~therefor~~ for that construction
18 or development in writing under the power vested in said that
commission by section 13 chapter 40 of the revised statutes of
20 1944.

22 **Sec. 2. P&SL 1947, c. 75, §2,** as amended by P&SL 1995, c. 20,
§1, is further amended by adding at the end the following
24 paragraphs to read:

26 The district shall undertake all reasonable and necessary
measures within its authority to preserve the purity of the water
28 of, and the watershed affecting, Half Moon Pond.

30 The district is authorized to adopt rules prohibiting body
contact with and the use of engines in or on Half Moon Pond. In
32 adopting rules, the district must follow the procedures
established by the Maine Revised Statutes, Title 5, chapter 375,
34 subchapter II. The district may assess administrative penalties
of not more than \$500 per offense for violation of any regulation
36 adopted by the district related to body contact with or the use
of engines in or on Half Moon Pond. In assessing any penalties
38 under this paragraph, the district must conduct its proceedings
in accordance with Title 5, chapter 375, subchapter IV. A person
40 aggrieved by any action of the district under this paragraph is
entitled to judicial review in the Superior Court in the manner
42 provided in Title 5, chapter 375, subchapter VII. The district
may by rule provide for assessment and collection of
44 administrative penalties, provided these procedures are
46 consistent with the Maine Administrative Procedure Act as
specified in this paragraph.

48 The Towns of Searsport and Prospect shall take all
reasonable and necessary measures within their authority to
50 preserve the purity of the water of, and the watershed affecting,

2 Half Moon Pond. All protective measures must be developed and
3 remain in place regardless of whether the district is drawing
4 water from the pond.

6 **Sec. 3. P&SL 1947, c. 75, §7, first ¶** is amended to read:

8 The board of trustees of the district is composed of 5
9 trustees, 3 of whom are appointed by the municipal officers of
10 the Town of Searsport and 2 of whom are appointed by the
11 municipal officers of the Town of Stockton Springs. Trustees
12 serve for a term of 3 years.

14 **Sec. 4. P&SL 1947, c. 75, §10**, as repealed and replaced by P&SL
15 1975, c. 61, §5, is amended to read:

16 **Sec. 10. District and town authorized to make contracts.** ~~Said~~ The
17 district through its trustees is authorized to contract with
18 persons and corporations, including the Towns of Searsport and
19 Stockton Springs and said those towns are authorized to contract
20 with it for the supply of water and facilities for municipal
21 purposes. The district is authorized to enter into agreements
22 with Federal and State Governments or any corporation, commission
23 or board authorized by Federal or State Government to grant or
24 loan money or otherwise assist in the financing of projects for
25 accomplishing any of the purposes of the district and to accept
26 grants and borrow money from any such government, agency,
27 corporation, commission or board as may be necessary or desirable
28 for accomplishing the purposes of this Act. Except as
29 specifically provided in this section or by any other provision
30 of law, the district may not provide service to any entity
31 located outside the district if it was not providing service to
32 that entity on July 1, 1996.

34 **Sec. 5. P&SL 1947, c. 75, §14, first ¶**, as amended by P&SL 1975, c.
35 108, is further amended to read:

36 **Sec. 14. Authorized to borrow money, to issue bonds and notes.** The
37 district, through its trustees and--without--vete--of--its
38 inhabitants, is authorized to issue from time to time bonds or
39 notes of the district to pay or to meet any necessary expenses
40 and liabilities including the refunding of any capitalized
41 interest and to pay for the cost of the capital outlay incurred
42 by the district in connection with accomplishing any of the
43 purposes set forth in this Act, including any necessary expenses
44 and liabilities in acquiring properties, renovating properties,
45 and securing sources of supply, taking water rights and land,
46 paying damages, laying pipes, constructing, maintaining, and
47 operating a water plant system, making renewals, additions,
48 extensions and improvements to the same water plan system; and
49 for the establishment of a reasonable reserve for future payments
50

2 of debt service, which reserve shall may not exceed for any issue
4 of bonds or notes, the amount of interest and principal payable
6 on account of such issue averaged for each year except the last
8 in which principal of such issue is payable, and for the interest
10 during the period of construction and for a period not exceeding
12 one year ~~thereafter~~ after construction. Said The district's
14 bonds or notes shall--be are issued in such amount as the
16 district, acting through its trustees and without vote of its
18 inhabitants, may determine. The district may refund any such
20 bonds or notes or make other provision for the advanced
22 refunding. Said The bonds or notes shall must be issued to
24 mature serially, in annual installments, the first of which shall
26 be is payable not later than 5 years from the date of such bonds
or notes, and the last of which shall ~~be is~~ is payable not later
than 40 years from ~~said that~~ that date; or may be issued for a term of
years not exceeding 40 years; or in a combination to mature
serially and for a term of years not exceeding 40 years, all as
the trustees shall determine. Said The bonds may be callable
with or without premium and may contain provisions for the
refunding for any such issue or part ~~thereof of such issue~~ in
advance of any due date ~~thereof of such issue~~ Said The bonds or
notes shall must contain such terms and conditions, bear such
rate or rates of interest, be sold in such manner, in public or
private sale, with or without provisions for prepayment in
advance of maturity, at par, with a discount or a premium, all as
the trustees shall determine.

28 **Sec. 6. P&SL 1947, c. 75, §14**, as repealed and replaced by P&SL
30 1975, c. 61, §6, is amended by adding the following new paragraph
after the 3rd paragraph:

32 A new debt may not be incurred by the district after the
34 effective date of this paragraph unless approved by a majority of
36 the legal voters, voting in a special election, within all towns
38 in which the district provides service. Whenever the trustees
40 vote to authorize new bonds or notes, the trustees shall contact
42 the municipal officers of the towns in which it provides service
and the municipal officers shall call a special election that
must be held on the same day in each town and within 30 days of
the trustees' request for a special election. The municipal
officers shall call the special election in the same manner as
town meetings are called.

44 **Sec. 7. P&SL 1947, c. 75, §14, 4th ¶**, enacted by P&SL 1975, c.
46 61, §6, is repealed and the following enacted in its place:

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

2 provisions of that section apply, except that the personal
4 property of the residents and the real estate within the district
6 within the Town of Stockton Springs may be taken to pay debt due
8 only if that debt was incurred by the district after the
10 effective date of this section.

12 **Sec. 8. Transition.** Trustees of the Searsport Water District
14 serving on the effective date of this section continue to serve
16 until the expiration of their terms and until their successors
18 are appointed as provided in section 3 of this Act. On the
20 effective date of this section, the municipal officers of the
22 Town of Stockton Springs shall appoint 2 trustees, one of whom
24 serves a full 3-year term and the other of whom serves a 2-year
26 term. After these appointments, all trustees are appointed to
28 3-year terms as provided in section 3 of this Act.

30 **Sec. 9. Referendum; effective date.** This Act takes effect 90
32 days after the adjournment of the Second Regular Session of the
34 117th Legislature, except that sections 1,3, 7 and 8 of this Act
36 take effect on that date only for the purposes of permitting
38 their submission to the legal voters in the Town of Stockton
40 Springs at the next regular town election or at a special town
42 meeting to be called and held for that purpose by December 1,
44 1996. The election must be called, advertised and conducted
46 according to the law relating to municipal elections, except that
48 the registrar of voters is not required to prepare or the town
50 clerk to post a new list of voters. The registrar of voters must
be in session on the secular day next preceding the election.
The town clerk shall reduce the subject matter of sections 1,3,7,
and 8 of this Act to the following question:

32 "Do you favor expanding the territory of the Searsport Water
34 District to include the Town of Stockton Springs and adding
36 2 members to the district's board of trustees to be
appointed by the municipal officers of the Town of Stockton
Springs?"

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

42 The results must be declared by the municipal officers of
44 the Town of Stockton Springs and due certificate of the results
46 filed by the town clerk with the Secretary of State.

48 Sections 1, 3, 7 and 8 take effect immediately upon their
50 approval by a majority of the legal voters voting at the election.

STATEMENT OF FACT

2 This bill amends the charter of the Searsport Water District
as follows. It provides that, unless specifically permitted by
4 law, the district may not provide service to any entity located
outside the district to which it is not providing service on July
6 1, 1995. It requires that any new debt incurred by the district
after July 1, 1995 must be approved by a majority of the legal
8 voters, voting in a special election, within all towns in which
the district provides service. It requires the district to
undertake all reasonable and necessary measures to protect the
10 water quality of Half Moon Pond and grants authority to the
district to regulate body contact with and the use of engines in
12 or on Half Moon Pond. It requires the towns of Searsport and
Prospect to take all reasonable measures to preserve the water
14 quality of Half Moon Pond.

16 Subject to referendum approval in the Town of Stockton
Springs, it expands the territory of the Searsport Water District
18 to include the Town of Stockton Springs and adds 2 new trustees
to the district board to be appointed by the municipal officers
20 of the Town of Stockton Springs.

22 It also provides that property in the Town of Stockton
Springs may be taken to pay, in the case of default by the
24 district, district debts only if the debt is incurred after the
inclusion of the Town of Stockton Springs in the district.

26
28 It provides for a transition for adding 2 new trustees to
the district's board.