

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

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No. 1309

H.P. 887

House of Representatives, April 9, 2015

An Act To Create the Central Maine Water District

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.
Cosponsored by Senator McCORMICK of Kennebec and
Representative: GRANT of Gardiner.

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

2 **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine Revised
3 Statutes, Title 35-A, chapter 64, all the territory and the inhabitants of the Town of
4 Chelsea, the Town of Farmingdale, the Town of Pittston and the Town of Randolph and
5 the City of Hallowell and the City of Gardiner constitute a standard water district under
6 the name "Central Maine Water District," referred to in this Act as "the district."

7 **Sec. 2. Powers; authority; duties.** The district has all the powers and authority
8 and is subject to all the requirements and restrictions provided in the Maine Revised
9 Statutes, Title 35-A, chapter 64 except as otherwise provided in this Act.

10 In addition, the district is authorized to:

11 1. Take and hold sufficient water of the Cobbosseecontee Stream and may take and
12 hold by purchase or otherwise any land or real estate necessary for erecting dams, power,
13 and reservoirs, or for preserving the purity of the water and watershed, and for laying and
14 maintaining aqueducts for taking, discharging and disposing of water;

15 2. Take, hold and convey into, about and through the City of Hallowell from any
16 point in Cobbosseecontee Stream that may be considered expedient, between the dam at
17 the outlet of Cobbosseecontee Lake and dam number 8 on said stream, water sufficient
18 for the use of said city and the inhabitants thereof for domestic and municipal purposes;
19 may flow, take and hold, by purchase or otherwise, subject to the limitations of Private
20 and Special Law 1895, chapter 280, any lands or real estate for laying and maintaining
21 pipes for conducting, discharging, disposing of and distributing water, and for
22 constructing and maintaining reservoirs, standpipes, dams and such other works as may
23 be considered necessary or proper for raising, forcing, retaining, distributing, discharging
24 or disposing of said water, and for the erection of any works for such purposes; may
25 purchase or take and hold and forever maintain any dam or privilege on said stream
26 between said outlet dam and said dam number 8, subject to the limitations of said chapter
27 280; may lay and maintain pipes from said stream at said point to, into, through and about
28 said city and secure and maintain the same by any suitable works therefor; may make and
29 establish such public fountains and hydrants in such places as may from time to time be
30 considered proper; and may, for the purposes aforesaid, carry and conduct and maintain
31 any pipes or other works by it to be made, laid down or conducted over, under, through or
32 across any water course, stream, bridge, railroad, street railroad, highway or other way in
33 such manner as not to obstruct the travel or full beneficial use thereof; and may enter
34 upon and dig up any such road, street or way for the purpose of laying down pipes
35 beneath the surface thereof and for maintaining and repairing the same;

36 3. Take, hold and convey into, about and through the City of Hallowell from
37 Vaughan Brook and its tributaries, from the Kennebec River, from natural springs and
38 from such artesian wells as it may construct or develop; and within the limits of the rights
39 above granted flow, take and hold, by purchase or otherwise, any lands and land or water
40 rights in said city for laying and maintaining pipes for conducting, discharging, disposing
41 of and distributing water, and for constructing and maintaining reservoirs, standpipes,
42 dams and such other works as may be considered necessary or proper for raising, forcing,

1 retaining, distributing, discharging or disposing of said water, and for the erection of any
2 works for such purposes; may lay and maintain pipes from any or all of its sources of
3 supply to, into, through and about said city; may, for the purposes aforesaid, carry,
4 conduct and maintain any pipes or other works by it to be made, laid down or conducted
5 over, under, through or across any water course, stream, bridge, highway or other way in
6 such manner as not to obstruct the travel thereof; may enter upon and dig up any such
7 road, street or way for the purpose of laying down pipes beneath the surface thereof and
8 for maintaining and repairing the same; and may purchase or take and hold and forever
9 maintain any dam or privilege on said stream;

10 4. Divert and use water from Jamie's Pond and Hutchinson Pond, situate in the Town
11 of Farmingdale and Town of Manchester and increase the storage of said ponds and take
12 and hold, as for public uses, by purchase, eminent domain or otherwise, any land or
13 interest therein for water rights necessary for erecting and maintaining dams, for flowage,
14 for power for pumping its water supply through its mains, for reservoirs, for preserving
15 the purity of the water and the watershed, for laying and maintaining aqueducts and other
16 structures, for taking, distributing, discharging and disposing of water and for rights-of-
17 way or roadways to its source of supply, its dams, power stations, reservoirs, mains,
18 aqueducts, structures and lands;

19 5. Through its trustees, purchase or obtain a supply of pure water, when necessary,
20 from any other water district, water company or source of supply and sell water to any
21 such district or company; and

22 6. Supply water to that area of the City of Augusta lying on the west side of the
23 easterly right-of-way line of Interstate 95 or the Maine Turnpike Authority; and southerly
24 of an extension in a straight line of the City of Hallowell's northerly city line where it
25 intersects the right-of-way of the Whitten Road, north of the former toll gate.

26 **Sec. 3. Number of trustees.** The board of trustees of the district is composed of 5
27 trustees: one from the Town of Farmingdale, 2 from the City of Gardiner, one from the
28 City of Hallowell and one from the Town of Randolph, who must be residents of the
29 district and persons whose residence or business uses water service from the district.

30 **Sec. 4. First board, subsequent trustees, eligibility requirements,**
31 **vacancy.** The following provisions apply to the first board of trustees, subsequent
32 trustees, eligibility requirements and vacancies in the office of trustee.

33 1. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection
34 4, the first board of trustees of the district is appointed pursuant to this subsection.
35 Within 30 days after the approval of this Act by the voters:

36 A. The municipal officers of the Town of Farmingdale shall appoint one trustee for a
37 term that expires on January 1st of the year that is 2 years after the year in which the
38 trustee was appointed. Subsequent trustees must be appointed in accordance with
39 Title 35-A, section 6410, subsection 2 by the municipal officers of the Town of
40 Farmingdale to 3-year terms in accordance with section 5;

1 B. The municipal officers of the City of Gardiner shall appoint 2 trustees: one for a
2 term that expires on January 1st of the year that is one year after the year in which the
3 trustee was appointed and one for a term that expires on January 1st of the year that is
4 3 years after the year in which the trustee was appointed. Subsequent trustees must be
5 appointed in accordance with Title 35-A, section 6410, subsection 2 by the municipal
6 officers of the City of Gardiner to 3-year terms in accordance with section 5;

7 C. The Mayor of the City of Hallowell, with confirmation by the City Council of the
8 City of Hallowell, shall appoint one trustee to serve an initial term that expires on
9 January 1st of the year that is one year after the year in which the trustee was
10 appointed. Subsequent trustees must be appointed in accordance with Title 35-A,
11 section 6410, subsection 2 by the Mayor of the City of Hallowell and confirmed by
12 the City Council of the City of Hallowell to 3-year terms in accordance with section
13 5; and

14 D. The municipal officers of the Town of Randolph shall appoint one trustee for a
15 term that expires on January 1st of the year that is 2 years after the year in which the
16 trustee was appointed. Subsequent trustees must be appointed in accordance with
17 Title 35-A, section 6410, subsection 2 by the municipal officers of the Town of
18 Randolph to 3-year terms in accordance with section 5.

19 2. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6419, subsection
20 3, when a trustee ceases to be a resident of the municipality in which the trustee resided
21 when appointed or no longer is a residential or business water service user of the district,
22 that trustee shall vacate the office of trustee. A vacancy in the office of trustee must be
23 filled for the unexpired term by appointment by the appropriate municipality in the same
24 manner that subsequent trustees are appointed under this section. All trustees are eligible
25 for reappointment, but a person who is a municipal officer, as defined in Title 30-A,
26 section 2001, subsection 10, of any municipality located in whole or in part within the
27 district is not eligible for appointment as a trustee.

28 **Sec. 5. Terms of trustees.** Except for the first board, trustees serve 3-year terms.

29 **Sec. 6. Transfer of assets and liabilities of the Hallowell Water District**
30 **and the Gardiner Water District.** This section governs the transfer of assets and
31 liabilities of the Hallowell Water District and the Gardiner Water District.

32 1. On January 1st of the year following approval of this Act by the voters:

33 A. Title to all personal property, real property, assets, benefits and liabilities of the
34 Hallowell Water District and the Gardiner Water District, including, without
35 limitation, all lands, waters, water rights, buildings and improvements, springs, wells,
36 reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants,
37 meters, services, tools, equipment, apparatus and appliances used or useful in
38 supplying water for domestic, commercial, industrial and municipal purposes,
39 appurtenant easements and other rights appurtenant to the real property and all
40 easements in gross and all other interests of the Hallowell Water District and the
41 Gardiner Water District, passes to and vests in the district, and the district shall
42 assume, maintain and operate all personal property, real property, assets, benefits and
43 liabilities of the Hallowell Water District and the Gardiner Water District; and

1 B. The district shall assume all obligations of the Hallowell Water District and the
2 Gardiner Water District, including, but not limited to, those obligations under bonds
3 issued to the Maine Municipal Bond Bank by the Hallowell Water District and by the
4 Gardiner Water District, and all other of the outstanding debts, obligations and
5 liabilities and any outstanding bonds, notes or other evidences of indebtedness of the
6 Hallowell Water District and the Gardiner Water District.

7 2. The Hallowell Water District, a quasi-municipal corporation organized and
8 existing pursuant to Private and Special Law 1921, chapter 75, as amended, and the
9 Gardiner Water District, a quasi-municipal corporation organized and existing pursuant to
10 Private and Special Law 1903, chapter 82, as amended, shall continue to operate with the
11 trustees in office at the time of approval of this Act by the voters for the purpose of
12 concluding the affairs of the Hallowell Water District and the Gardiner Water District,
13 and, when these are concluded, each shall cause to be filed with the Secretary of State a
14 certificate of dissolution certifying the name of that district and that all assets of that
15 district and all debts, obligations and liabilities of that district have been transferred to the
16 Central Maine Water District by operation of this Act and that is signed by the chair or
17 presiding trustee of that district and by the clerk, secretary or another officer of that
18 district. Upon the respective filing dates of the certificates of dissolution of the Hallowell
19 Water District and the Gardiner Water District, the existence of those districts ceases.
20 The Central Maine Water District shall pay the reasonable costs and expenses incurred by
21 the Hallowell Water District and the Gardiner Water District as they conclude their
22 affairs as provided in this subsection.

23 3. The board of trustees of the district shall submit legislation for introduction to the
24 next regular session of the Legislature after the 2nd certificate has been filed with the
25 Secretary of State pursuant to subsection 2 to repeal the charters of the Hallowell Water
26 District and the Gardiner Water District.

27 **Sec. 7. Debt limit.** Notwithstanding the Maine Revised Statutes, Title 35-A,
28 section 6413, the debt limit on the total amount of all bonds, notes and other evidences of
29 indebtedness payable within a period of more than 12 months issued by the district is
30 \$20,000,000. This debt limit may be amended by the legal voters in each municipality in
31 the territory described in section 1 in which 25% or more of the households in that
32 municipality are customers of the district at a referendum election called for that purpose
33 pursuant to Title 35-A, section 6413.

34 **Sec. 8. Water Street, Hallowell project.** The district shall construct the Water
35 Street, Hallowell water main replacement project if the Department of Transportation
36 commences its proposed reconstruction of Water Street in Hallowell before the year
37 2026.

38 **Sec. 9. Damage to district property.** A person who places, discharges or leaves
39 any offensive or injurious matter or material on or in the conduits, catch basins or
40 receptacles of the district contrary to its regulations or knowingly injures any conduit,
41 pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property
42 held, owned or used by the district is liable to pay twice the amount of the damage to the
43 district, to be recovered in any proper action, and that person is guilty of a Class E crime.

1 that municipality are customers of the district currently are the cities of Hallowell and
2 Gardiner and the towns of Farmingdale and Randolph.