

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1482

S.P. 580

In Senate, December 18, 2015

An Act To Revise the Charter of the Rumford Water District

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2015. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator PATRICK of Oxford.

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

2 **Sec. 1. Territorial limits and corporate name.** The territory and the people
3 within the Town of Rumford constitute a public municipal corporation under the name of
4 the Rumford Water District, referred to in this Act as "the district."

5 **Sec. 2. Powers of the Rumford Water District.** The district is authorized to
6 take, hold, divert, use and distribute water for the purpose of supplying potable water for
7 domestic, sanitary, commercial and municipal purposes. The district may take or draw
8 from any surface water or groundwater source within the territory of the district. The
9 district has all the powers of a standard district under the Maine Revised Statutes, Title
10 35-A, section 6404 to the extent not inconsistent with this Act.

11 **Sec. 3. Board of Trustees.** All the affairs of the district must be managed by a
12 board of trustees composed of 3 members, to be chosen by a majority of the municipal
13 officers of the Town of Rumford. The first board of trustees must be appointed within 6
14 months of approval of this Act by the voters in accordance with this Act.
15 Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 5, as
16 soon as is convenient after the first trustees have been appointed, they shall hold a
17 meeting and organize by the election of a president and clerk and adopt a corporate seal;
18 when necessary, they may choose a treasurer and all other officers and agents for the
19 proper conduct and management of the affairs of the district. At that first meeting, the
20 trustees shall determine the term of office of each trustee so that one serves for one year,
21 one for 2 years and one for 3 years. Notwithstanding Title 35-A, section 6410, subsection
22 4, for the initial appointment of trustees under this Act, the term of each trustee ends on
23 the first Monday in April immediately following the end of the initial one-year, 2-year or
24 3-year term for which that trustee was appointed. Whenever the term of office of a
25 trustee expires, the municipal officers of the Town of Rumford shall appoint a successor
26 to serve the full term of 3 years pursuant to Title 35-A, section 6410, subsection 2, and in
27 case any other vacancy arises it must be filled in like manner for the unexpired term. The
28 trustees may also adopt and establish such bylaws as are necessary for their own
29 convenience and the proper management of the affairs of the district. The trustees may
30 procure an office and incur such expenses as may be necessary. Each trustee is entitled to
31 compensation, as recommended by the trustees and approved by a majority of municipal
32 officers of the Town of Rumford, in accordance with Title 35-A, section 6410, subsection
33 7. At the close of each fiscal year, the trustees shall make a detailed report of their
34 doings, of the receipts and expenditures of the water district, of its financial and physical
35 condition and of such other matters and things pertaining to the district as demonstrate
36 how the trustees are fulfilling the duties and obligations of their trust, such reports to be
37 made and filed with the municipal officers of the Town of Rumford.

38 **Sec. 4. Authority to lay mains, pipes, conduits and other water**
39 **conveyances through public ways and across private lands.** The district is
40 authorized to lay, maintain, repair and replace pipes, mains and other fixtures and
41 appurtenances in, along and through the streets, roads, ways, highways, bridges, lakes,
42 ponds, rivers and watercourses within the district and in, along and through private lands
43 of any person or corporation within the district. When the district lays, maintains, repairs
44 or replaces pipes, mains or any fixtures or appurtenances in any street, road, way or

1 highway, it shall do so with as little obstruction as practicable to public travel and shall at
2 its own expense and without unnecessary delay replace in proper condition the earth and
3 pavement removed by it.

4 **Sec. 5. Authority to erect and maintain dams, reservoirs and structures.**
5 The district is hereby authorized, for the purposes of its incorporation, to erect and
6 maintain all dams, reservoirs and structures necessary and convenient for its corporate
7 purposes.

8 **Sec. 6. Take land in the Town of Peru.** The Rumford Water District, in
9 addition to the rights and powers conferred upon it by law and under the franchises of the
10 water companies by it acquired, shall have the right and is hereby authorized to take and
11 hold as for public use, by purchase or otherwise, the following certain land or interest
12 therein in the Town of Peru, County of Oxford and State of Maine:

13 Two adjoining parcels of land containing approximately 168 acres, more or less, and
14 bounded and described as follows:

15 First: Commencing at a point on the Town Line between the Town of Rumford,
16 Maine and the Town of Peru, Maine, which point is the northeast corner of Lot #93 in
17 said Town of Peru; thence South 80 degrees West along said Town Line to the northwest
18 corner of said Lot #93; thence by same course along said Town Line to the northwest
19 corner of Lot #90; thence by same course along said Town Line to the northwest corner
20 of Lot #89; thence approximately South 10 degrees East along the line between Lot #89
21 and Lot #86 in said Town of Peru, 25 chains; thence North 80 degrees East and parallel to
22 said Town Line to a point on the line between Lot #93 and Lot #94; thence North 10
23 degrees West along said easterly line of Lot #93, 25 chains to the point of beginning,
24 containing approximately 152 acres, more or less; and

25 Second: Beginning at a point being the northeast corner of Lot #94 in said Town of
26 Peru, said point being on the Town Line between the Town of Rumford and the Town of
27 Peru; thence South 80 degrees West along said Rumford-Peru Town Line for a distance
28 of 26.39 chains, more or less, to the northwest corner of Lot #94; thence South 10 degrees
29 East along the westerly line of Lot #94 and the easterly line of Lot #93 for a distance of
30 12.12 chains, more or less, to a point; thence North 55 degrees and 20 minutes East a
31 distance of 29.04 chains, more or less, to the point of beginning, containing
32 approximately 16 acres, more or less.

33 The same is necessary for the purpose of increasing the supply of pure water for
34 domestic, sanitary and municipal purposes for the inhabitants of the Town of Rumford
35 and of said district.

36 **Sec. 7. Take land in Milton Township.** The district, in addition to the rights
37 and powers conferred upon it by law and under the franchises of the water companies by
38 it acquired, shall have the right and is hereby authorized to take and hold as for public
39 uses, by purchase or otherwise, any land or interest therein in Milton Township, in the
40 county of Oxford, necessary for preserving the purity of the water and watershed of the
41 so-called Mount Zircon water supply belonging to the district and for the general
42 purposes of its incorporation.

1 **Sec. 8. Authority to acquire property; right of eminent domain**
2 **conferred; procedures in exercising eminent domain.** The district is authorized
3 and empowered to acquire and hold real and personal property, including water rights,
4 necessary or convenient for its purposes. The district is also authorized and empowered
5 to take and hold water rights necessary for erecting and maintaining dams, for flowage,
6 for power for pumping its water supply through its mains or reservoirs and for preserving
7 the purity of the water and watershed. The district is granted the right of eminent domain
8 as specified in the Maine Revised Statutes, Title 35-A, section 6408, as amended. The
9 procedures for the exercise of eminent domain must conform to Title 35-A, section 6409,
10 as amended.

11 **Sec. 9. Crossing property of other public utilities and railroad**
12 **corporations.** If the district, in constructing, maintaining or replacing any of its
13 facilities, must cross property of another public utility or railroad corporation, the district
14 shall obtain the consent of the other public utility or railroad corporation and undertake
15 the work in accordance with conditions established by agreement. If, within 30 days after
16 requesting consent, the district fails to reach an agreement with the public utility or
17 railroad corporation, the district may petition as follows:

18 **1. Public utility.** In the case of crossing property of a public utility, the district may
19 petition the Public Utilities Commission to determine the time, place and manner of
20 crossing. All work done on the property of the public utility must be done under the
21 supervision and to the satisfaction of the public utility or as prescribed by the Public
22 Utilities Commission; and

23 **2. Railroad corporation.** In the case of crossing property of a railroad corporation,
24 the district may petition the Department of Transportation to determine the time, place
25 and manner of crossing. All work done on the property of the railroad corporation must
26 be done under the supervision and to the satisfaction of the railroad corporation or as
27 prescribed by the Department of Transportation.

28 **Sec. 10. Authority to make and assume contracts.** The district, through its
29 trustees, in order to carry out the purposes of its incorporation, may contract with any
30 person, district, utility, corporation or municipality.

31 **Sec. 11. Authorized to borrow money; to issue bonds and notes; to**
32 **receive government aid.** For accomplishing the purposes of this Act, the district, by
33 vote of its board of trustees, is authorized to borrow money temporarily and to issue for
34 the borrowing of money its negotiable notes.

35 The district, by vote of its board of trustees, is authorized to issue bonds, notes or
36 other evidences of indebtedness of the district, bearing interest at a rate or rates and
37 having terms and provisions as the trustees determine.

38 All bonds, notes and other evidences of indebtedness issued by the district must have
39 inscribed upon their face the corporate name of the district and be signed by the treasurer
40 and countersigned by the president of the board of trustees of the district.

1 All bonds, notes and other evidences of indebtedness issued by the district are legal
2 obligations of the district, which is declared to be a quasi-municipal corporation within
3 the Maine Revised Statutes, Title 30-A, section 5701. All bonds, notes and other
4 evidences of indebtedness issued by the district are legal investments for savings banks
5 and are exempt from state income tax. The district, through its trustees, in order to pay
6 necessary expenses and liabilities incurred in accordance with its purposes and powers,
7 may receive state and federal aid and grants.

8 **Sec. 12. Property tax exempt.** The property of the district is exempt from all
9 taxation in accordance with the Maine Revised Statutes, Title 35-A, section 6415, as
10 amended.

11 **Sec. 13. Water rates; application of revenue; sinking fund.** An individual,
12 firm or corporation, whether public, private or municipal, shall pay to the treasurer of the
13 district the rates and other lawful charges established by the trustees for the water used or
14 made available to it. All water rates and other lawful charges of the district are governed
15 by the Maine Revised Statutes, Title 35-A, chapter 61.

16 The water rates and other lawful charges are established to provide revenues for all
17 purposes authorized by law, and the following specific purposes:

18 **1. Current operating expenses.** To pay the current expenses for operating and
19 maintaining the water system including depreciation;

20 **2. Payment of interest.** To provide for the payment of interest on the indebtedness
21 created by the district for the benefit of its water system; and

22 **3. Sinking fund.** To provide each year a sum equal to not less than 1% nor more
23 than 5% of the entire indebtedness created by the district for the benefit of its water
24 system, which sum must be turned into a sinking fund to provide for the extinguishment
25 of the indebtedness. The money set aside for the sinking fund must be devoted to the
26 retirement of the obligations of the district or invested in such securities as savings banks
27 are allowed to hold. The trustees may, in their discretion and in lieu of the establishment
28 of a sinking fund, issue bonds of the district so that not less than 1% of the amount of the
29 bonds so issued mature and are retired each year.

30 There is a lien issued on real estate served by the district to secure the payment of
31 unpaid water rates and other lawful charges. The water lien takes precedence over all
32 other claims on the real estate, except claims for taxes and sewer rates. The procedures of
33 obtaining, enforcing and receiving payment on the water lien are governed by Title 35-A,
34 section 6111-A.

35 **Sec. 14. Incidental powers granted.** All incidental powers, rights and privileges
36 necessary to the accomplishment of the objectives set forth in this Act, and in the
37 Standard Water District Enabling Act, are granted to the district.

38 **Sec. 15. Retains powers and authorities.** The district retains all powers and
39 authorities of, and all properties acquired from, Union Construction Company, Virginia

1 Spring Water Company, Rumford Falls Light and Water Company and the Mexico Water
2 Company to the extent not inconsistent with this Act.

3 **Sec. 16. P&SL 1911, c. 290**, as amended, is repealed.

4 **Sec. 17. P&SL 1915, c. 50**, as amended, is repealed.

5 **SUMMARY**

6 This bill revises the charter of the Rumford Water District.