

MAINE STATE LEGISLATURE

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Legislative Document

No. 608

H. P. 432

House of Representatives, February 7, 1957.

Referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Shaw of Bingham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of Bingham Water District.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless passed as emergency measures; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the town of Bingham and surrounding towns; and

Whereas, the present water supply is entirely inadequate; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate such condition; 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. & S. L., 1911, c. 13, § 1, amended. Section 1 of chapter 13 of the private and special laws of 1911, as amended by chapter 62 of the private and special laws of 1935, is hereby further amended to read as follows:

'Sec. 1. Territorial limits of water district. The following described territory, and the people within the same, namely: so much of the town of Bingham, in the county of Somerset, beginning at a point on the Kennebec river, at the northerly line of said town of Bingham, and extending easterly along said northerly line of said town of Bingham, to the easterly line of the "River Tier"

of lots in said Bingham; thence southerly along said easterly line of said "River Tier" of lots to the southerly line of the Ingram C. Pierce farm, **so called**; thence westerly along said southerly line of the Ingram C. Pierce farm to the Kennebec River; thence northerly by said Kennebec River to the point of beginning, shall constitute a body politic and corporate under the name of the Bingham Water District, for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, manufacturing and municipal purposes ~~and~~. **Said district may extend its pipe lines into so much of the town of Bingham as lies outside the aforesaid territorial limits of said district, and into the towns of Moscow and Concord for the purpose of supplying such inhabitants thereof with pure water for domestic, sanitary and manufacturing purposes as may desire such service and as said district may desire to serve.**

Sec. 2. P. & S. L., 1911, c. 13, § 2, repealed and replaced. Section 2 of chapter 13 of the private and special laws of 1911 is hereby repealed and the following enacted in place thereof:

'Sec. 2. Water may be taken from any pond, lake or stream, springs and wells in Somerset County. For any of the purposes aforesaid, or for the preservation and purity of said water, said district is hereby authorized to take and use water from springs and wells, the Kennebec River, and from any pond, lake or stream in the county of Somerset; to conduct and distribute the same into and through the towns aforesaid, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any watercourse, bridge, street, railroad, highway or other way; and said district is further authorized to enter upon, and excavate any highway or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands, and to take and hold, by purchase or otherwise, any real estate, rights-of-way or water, and in general do any acts necessary, convenient or proper for carrying out any of the purposes hereinbefore specified. Said district is further authorized, for the purpose of making all needed repairs or service connection, to lay its pipes through any public or private lands or ways, with the right to enter upon the same and dig therein, and said district may establish written regulations for the use of said water, and change the same from time to time.'

Sec. 3. P. & S. L., 1911, c. 13, § 5, repealed and replaced. Section 5 of chapter 13 of the private and special laws of 1911 is hereby repealed and the following enacted in place thereof:

'Sec. 5. Right of eminent domain and limitation thereon; crossing property of other public utilities. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said water district for any of its purposes, any lands, rights of way, water and water rights, including springs or wells, or any other interest in real estate which may be required for the carrying out of the purposes of the district.

Provided, however, nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for

future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the Legislature.

In case of any crossing of any public utility, unless consent be given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.