

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

Point Indian Reservation before November 1, 1984, then this Act shall on November 1, 1984 be inoperative and void.

Sec. 20. Referendum; effective date. Unless accepted by a majority vote of the legal voters within the proposed water district voting at an election called and held for the purpose by the Tribal Council of the Passamaquoddy Pleasant Point Reservation, this Act shall become inoperative. That special election shall be called, advertised and conducted according to the law relating to municipal elections, provided that a new list of voters need not be prepared and posted, and for the purpose of registration, the board of voter registration shall be in session on the secular day next preceding the special election. The Tribal Clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question:

"Shall the Passamaquoddy Water District be created?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the Tribal Council and due certificates thereof filed by the Tribal Clerk with the Secretary of State.

This Act shall take effect for all purposes immediately upon its acceptance by a majority of the legal voters voting in the election, provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total vote for candidates for Tribal Governor cast in the district at the next previous tribal gubernatorial election, but failure of approval by the necessary percentage of voters at any election shall not prevent subsequent elections to be held for the purpose of voting on the acceptance or rejection of this Act, within the time limitation of section 19.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, so far as necessary to empower the calling and holding of the election described in section 20.

Effective April 27, 1983, unless otherwise indicated.

CHAPTER 26

H.P. 929 - L.D. 1208

AN ACT to Reincorporate and Amend the
Charter of the North Berwick Water District.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Private and Special Law 1981, chapter 54, provided for the creation of the North Berwick Water District to take over properties of the North Berwick Water Company and to supply water to the inhabitants of the Town of North Berwick; and

Whereas, the North Berwick Water District was duly formed in accordance with the provisions of Private and Special Law 1981, chapter 54 and entered into a contract with the North Berwick Water Company for the acquisition of the properties of the North Berwick Water Company for a price of \$320,000, and that contract was approved by order of the Public Utilities Commission; and

Whereas, in order to finance the acquisition of those properties and the making of the necessary improvements to the system, the Trustees of the North Berwick Water District voted to authorize the borrowing of \$400,000 by an issue of notes, and to refund the notes by the sale, at their maturity, of a like principal amount of bonds, and to borrow, in addition, not in excess of \$368,000 by the issue and sale of bonds to make additional improvements to the system; and

Whereas, in accordance with the provisions of section 9 of the charter, the trustees elected to call a special meeting of the voters of the North Berwick Water District to be held on July 29, 1982, to approve or disapprove the action by the trustees authorizing those borrowings; and

Whereas, at the special meeting, at which only 74 voters of the North Berwick Water District were present, the voters disapproved of the action of the trustees authorizing those borrowings; and

Whereas, the trustees subsequently submitted nonbinding referendum questions to the voters of North Berwick at the November general election in 1982, and the results of the referendum votes indicated that the voters desired to have the trustees acquire the assets of the North Berwick Water Company and commence operation of the district and authorize the drilling of wells to acquire a new water supply and to make other improvements, the initial cost of the acquisition and certain improvements to be \$400,000 financed by notes and bonds, and the cost of the new water supply and further improvements to be \$400,000 financed by a \$32,000 grant from the Farmers Home Administration and the sale of \$368,000 of bonds

to the Farmers Home Administration; and

Whereas, Private and Special Law 1981, chapter 54, section 21, provided, among other things, that if the North Berwick Water District failed to purchase the properties of the North Berwick Water Company or to file a petition prior to December 31, 1982, to exercise its right of eminent domain, Private and Special Law 1981, chapter 54, should become inoperative and void on December 31, 1982; and

Whereas, the present water system in North Berwick is inadequate and in need of immediate improvement and repair to protect the quality of the water service and the health and well-being of the customers of the North Berwick Water Company; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the customers of the North Berwick Company; and

Whereas, it is desirable that the public water district created by Private and Special Law 1981, chapter 54, be reincorporated and empowered to take over the North Berwick Water Company forthwith in order to supply water service to the inhabitants of the Town of North Berwick; and

Whereas, it is vital that this be done at once for the benefit of the customers of the present water system; 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. North Berwick Water District Reincorporated. Subject to section 7, the inhabitants and territory within the Town of North Berwick in the County of York are hereby reincorporated and constituted a public municipal corporation under the name of "North Berwick Water District" with all the rights, powers, privileges and franchises granted to the North Berwick Water District pursuant to the provisions of Private and Special Law 1981, chapter 54, and all of the provisions of Private and Special Law 1981, chapter 54, are hereby incorporated in, made part of this Act and reenacted with the same effect as if set forth verbatim in this chapter, except as amended by sections 3, 4 and 5.

Sec. 2. Validation of election of trustees and proceedings of trustees and action of officers and agents. The Trustees of North Berwick Water District appointed by the board of selectmen or elected at the annual election of municipal officers of the Town of North Berwick are hereby declared to be, and to have been, duly appointed, elected and qualified for the respective terms for which each was appointed or elected, and all of the proceedings of the trustees of that district as the board of trustees was from time to time constituted and shown by the records of that district, and all of the action duly taken in accordance therewith by the officers and agents of that district, is hereby validated, confirmed and made effective.

Sec. 3. P&SL 1981, c. 54, §9, 2nd sentence is amended to read:

The district by vote of its board of trustees, without district vote except as provided, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in the amount or amounts, not exceeding the sum of \$1,500,000 outstanding at any one time, except for indebtedness to fund projects specifically mandated by the State Government or Federal Government, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided that, except for not in excess of \$800,000 principal amount of notes and bonds at any one time outstanding to be issued by vote of the trustees without district vote for the purpose of acquiring properties of the North Berwick Water Company and making certain improvements, and for the purpose of acquiring a new water supply and making further improvements, in the case of a vote any other votes by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a water system or part thereof, for renewal or additions or for other improvements in the nature of capital costs, the estimated cost of which, singly or in the aggregate included in any one financing is \$150,000 or more, or for renewing or refunding existing indebtedness, notice of the proposed debt and of the general purpose or purposes for which it was authorized shall be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of North Berwick.

Sec. 4. P&SL 1981, c. 54, §19 is amended to read:

Sec. 19. Existing statutes not affected; rights conferred subject to provisions of law. Nothing in this section Act is intended to repeal, or shall be construed as repealing, the whole or any part of any

existing statute and all the rights and duties mentioned in this section Act 7 shall be exercised and performed in accordance with all the applicable provisions of the Revised Statutes, Title 35, and all Acts amendatory thereof or additional thereto provided that the provisions of the Revised Statutes, Title 35, chapter 262, shall not apply to the district except that section 3223, subsections 4 and 5 shall apply to the district.

Sec. 5. P&SL 1981, c. 54, §21 is amended to read:

Sec. 21. Act inoperative, void on failure to acquire North Berwick Water Company. If the water district shall fail to purchase the plant, property, franchises, rights and privileges owned by the North Berwick Water Company and used or usable in supplying water to the Town of North Berwick or shall fail to file a petition before December 31, ~~1982~~ 1983; to exercise its right of eminent domain as in this Act provided, for the acquisition of the plant, property, franchises, rights and privileges owned by the North Berwick Water Company and used or usable in supplying water to the Town of North Berwick, except its cash assets and accounts receivable, then this Act shall on December 31, ~~1982~~ 1983 be inoperative, and void.

Sec. 6. Saving clause. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of that provision to other persons or circumstances shall not be affected thereby.

Sec. 7. Acceptance subject to referendum. Unless accepted and approved by a majority vote of the legal voters within the North Berwick Water District voting in an election called and held for the purpose by the municipal officers of the Town of North Berwick, this Act shall become inoperative. The subject matter of this Act shall be reduced to the following question: "Shall the North Berwick Water District be reincorporated?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the Town Clerk of North Berwick with the Secretary of State. This Act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters in the district voting at the election; provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total vote for all candidates for Governor at the next previous gubernatorial election; but failure of approval by the necessary percentages of voters at any such elections shall not prevent a

subsequent election or elections to be held for that purpose within the time limitation of section 21.

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

Effective May 6, 1983.

CHAPTER 27

S.P. 410 - L.D. 1258

AN ACT for the Town of Bethel to Acquire the Assets and Liabilities of the Bethel Water District and for the Dissolution of the Bethel Water District.

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

Sec. 1. Town of Bethel authorized to acquire property of Bethel Water District. The Town of Bethel is authorized, under the terms contained in this Act, to acquire all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Bethel Water District including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes. The consideration to be paid for them shall be the assumption by the Town of Bethel of all of the outstanding debts, obligations and liabilities of the Bethel Water District including, without limitation, the assumption by the Town of Bethel of any outstanding notes or bonds of the Bethel Water District that are due on or after the date of transfer.

Sec. 2. Bethel Water District required to sell property to the Town of Bethel. Bethel Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1967, chapter 48 and Private and Special Law 1981, chapter 59, shall sell, transfer and convey by appropriate instruments of conveyance all, but not less than all, of its plants, properties, assets, franchises, rights and privileges including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, ser-