

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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## CHAPTER 82

H.P. 1764 - L.D. 2326

### AN ACT Creating the Wiscasset Water District.

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

Sec. 1. Territorial limits; name; purposes. Subject to section 16, the inhabitants and territory within the Town of Wiscasset shall constitute a quasi-municipal corporation under the name of "Wiscasset Water District" for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes. All incidental rights, powers and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the Wiscasset Water District.

Sec. 2. Source of supply. The water district, for the purposes of its incorporation, may take, hold, divert, use and distribute water from any source in the Town of Wiscasset and from any other source from which the Maine Water Company, Wiscasset Division, is now authorized to take any water, including sources outside the Town of Wiscasset.

Sec. 3. Eminent domain. The district may acquire and hold, as for public uses, lands, interests therein and water rights. These may be acquired by purchase, gift or exercise of the right of eminent domain, which right is expressly delegated to the water district. Nothing contained in this Act may be construed as authorizing the water 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 by this section, by subsequent Act of the Legislature or as provided in section 11.

Sec. 4. Authorized to lay pipes, etc. through public ways and across private lands. The district may lay pipes, aqueducts, mains and fixtures as may be necessary, in and through the streets, roads, ways, highways and private lands in the district, and maintain and replace the same. The water district may excavate through any lands when necessary and convenient for its corporate purposes. Whenever the

district lays any pipes, aqueducts or mains in any street, road, way or highway, it shall do so with as little obstruction as practicable to the public travel, and shall at its own expense without unnecessary delay replace in proper condition the earth and pavement removed.

Sec. 5. Authorized to erect and maintain dams, reservoirs, etc. The district may erect and maintain all dams, pumping stations, reservoirs, standpipes, treatment facilities and structures necessary and convenient for its corporate purposes.

Sec. 6. Procedure in exercising rights of eminent domain; assessment of damages; appeal procedure. In exercising the right of eminent domain in the taking of lands, interests therein or waters rights, the district shall file in the office of the county commissioners of Lincoln County and record in the Lincoln County registry of deeds plans of the location of all such property to be taken, with an appropriate description and the names of the owners, if known. Notice of the filing shall be sent by mail to the owners at the address appearing on the tax records of the municipality in which the land is located. When for any reason the district fails to acquire the property which it is authorized to take, and which is described in that location, or if the location recorded is defective or uncertain, it may, at any time, correct and perfect that location and file a new description, and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district is not liable for any acts which would have been justified if the original taking had been lawful. No entry may be made on any private lands, except to make surveys, until the expiration of 10 days from that filing, at which time possession may be had of all lands, interests therein or water rights so taken, but title shall not vest in the district until payment therefor.

If any person or corporation sustains damages by any taking, and does not agree with the water district on the sum to be paid therefor, either party, upon petition to the county commissioners of Lincoln County, may have those damages assessed by them; and the procedure and right of appeal shall be the same as are prescribed in the case of damages by the laying out of town ways.

Sec. 7. Procedures for crossing of public utility lines. In case of any crossing of a public utili-

ty line or right-of-way, unless consent is given by the public utility as to place, manner and conditions of the crossing, within 30 days after that consent is requested by the district, the Public Utilities Commission, upon petition by the district, shall determine the place, manner and conditions of that crossing; and all work on the property of the public utility shall be done under the supervision and to the satisfaction of the public utility or as prescribed by the Public Utilities Commission, but at the expense of the district.

Sec. 8. Board of trustees. All of the affairs of the district shall be managed by a board of trustees composed of 5 members who are legal voters of the Town of Wiscasset. Initially the trustees shall be chosen by the municipal officers of Wiscasset. Each trustee shall serve for a term of 3 years, except that the initial trustees shall serve the following terms: One trustee shall serve until the next March town meeting; 2 trustees shall serve until the 2nd March town meeting; and 2 trustees shall serve until the 3rd March town meeting after the initial trustees are appointed. At the first meeting, the initial trustees may determine by agreement, or failing to agree, they shall determine by lot the term of office of each trustee. The term of office of the trustees shall end at the annual town meeting held in March. Whenever the term of office of a trustee will expire at the next town meeting, a successor shall be elected by secret ballot at the regular yearly municipal election to serve the full term of 3 years. In case any other vacancy arises, it shall be temporarily filled by appointment by the selectmen of the Town of Wiscasset, and shall be permanently filled for the unexpired term at the next regular yearly town election. When any trustee ceases to be a resident of the Town of Wiscasset, he vacates the office of trustee.

Organization of the board of trustees shall be in accordance with the Revised Statutes, Title 35, section 3223, subsection 3. The trustees shall have the powers specified in the Revised Statutes, Title 35, section 3223, subsection 3.

All decisions of the board of trustees shall be by a majority of those present and voting. A quorum of the board of trustees shall be 3 trustees.

Trustees compensation shall be set in accordance with the Revised Statutes, Title 35, section 3223, subsection 4.

Sec. 9. Authorized to receive governmental aid; to borrow money; to issue bonds and notes. For accomplishing the purposes of this Act, the district, through its trustees, without vote of the inhabitants, may receive municipal, state and federal aid grants. The district may reimburse the Town of Wiscasset for any expense incurred for the benefit of the district.

The district, through its trustees, without the vote of its inhabitants, may borrow money temporarily and issue therefor its negotiable notes, for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities, whether incurred by the district or the Town of Wiscasset.

The district, through its trustees, without the vote of its inhabitants may issue bonds, notes or other evidences of indebtedness of the district, in such amounts, bearing such interest and having such terms as the trustees shall determine; provided that, except for the purposes specified in sections 10 and 11, issuance of bonds and notes shall be in accordance with the Revised Statutes, Title 35, section 3224.

The bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine. Bonds, notes or evidences of indebtedness may be issued with or without provisions for calling the same prior to maturity and, if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their faces the words "Wiscasset Water District," shall be signed by the treasurer, if any, and countersigned by the president of the district and, if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile signature of the treasurer or president.

All bonds, notes and evidences of indebtedness issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053, and all provisions of that section shall be applicable thereto.

The district may refund and reissue, in one or in separate series, its bonds, notes and other evidences of indebtedness, and each authorized issue shall con-

stitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in this State, and shall be free from taxation.

Sec. 10. Authority to purchase property of Maine Water Company. The Wiscasset Water District may acquire by purchase the entire plant, property, franchises, rights and privileges of the Maine Water Company located in or serving the Town of Wiscasset, except its cash assets, mortgages, liens, encumbrances, accounts receivable and payable, including all land, waters, water rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by that company, whether the record title thereto is or is not in the Maine Water Company. The company may sell, transfer and convey its franchises and property to the water district, subject to the Public Utilities Commission approval.

Sec. 11. Procedure in case trustees and Maine Water Company fail to agree on terms of purchase. If the trustees fail to agree with the Maine Water Company upon the terms of purchase, then the district, through its trustees, may take such plan, property, interests and franchises of the Maine Water Company as set forth in section 10 in the manner provided in this section. The district, through its trustees, may file a petition entitled "Notice of Condemnation and Taking" in the clerk's office of the Superior Court for the County of Lincoln, addressed to any justice, giving notice of its condemnation and taking of the plant, property, interests and franchises of the Maine Water Company. After notice to the Maine Water Company, the court shall, after hearing, and within 60 days after the filing of the petition, appoint 3 disinterested appraisers, one of whom shall be learned in the law, for the purpose of fixing the valuations of the plant, property, interests and franchises of the Maine Water Company described in section 10. This appointment shall be treated as a reference pursuant to the Maine Rules of Civil Procedure, Rule 53(b)(1), and in all other respects the procedure shall be governed by the provisions of that rule and the Revised Statutes, Title 4, section 501, except that the appraisers shall be obligated to file their report in the clerk's office within 6 months after their appointment. Upon confirmation of the report, the court shall thereupon make final decree upon the entire matter, including the application of the purchase money and transfer of the property, jurisdiction over which is hereby confirmed, and with the power to enforce the decree as in equity cases.



Within 60 days of final judgment, the district shall tender to the Maine Water Company a check in the amount determined by the court to be just compensation for the plant, property, interests and franchises taken from the Maine Water Company. Upon tender by the district of that amount and the performance of all other terms and conditions imposed by the court, including without limitation the effect of material additions or subtractions from the plant, the plant, property, interests and franchises of the Maine Water Company, as described in section 10, shall become vested in the district. Appeal from the decision of the Superior Court may be had to the Law Court as in other civil actions.

**Sec. 12. Reserve fund.** The contingency reserve fund shall be governed by the Revised Statutes, Title 35, section 3311.

**Sec. 13. Water rates.** Individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer, or other designated officer, of the district the rates established by the board of trustees for the water used by them. The rates shall be established in accordance with the Revised Statutes, Title 35, section 73, so as to provide revenue for the purposes set forth therein.

**Sec. 14. District and town authorized to make contracts.** The district through its trustees may contract with persons and corporations, including the Town of Wiscasset, and the Town of Wiscasset may contract with it for the supply of water for municipal purposes.

**Sec. 15. Existing statutes not affected; rights conferred subject to provisions of law.** Nothing in this Act is intended to repeal or shall be construed as repealing any existing statute and all the rights and duties mentioned in this Act shall be exercised and performed in accordance with all the applicable provisions of the laws of this State.

**Sec. 16. Certain sections inoperative on failure to acquire Maine Water Company plant.** If the water district fails to acquire the plant, property, franchises, rights and privileges owned by the Maine Water Company and used or usable in supplying water to the Town of Wiscasset, or file the petition referred to in section 11, this Act shall be inoperative, December 31, 1985.

**Sec. 17. Acceptance subject to referendum.** This Act shall take effect 90 days after adjournment of

the Second Regular Session of the 111th Legislature for the sole purpose of permitting its submission to the legal voters within the district at an election to be called for that purpose and to be held within 6 months of the effective date of this Act. The election shall be called, advertised and conducted according to the law relating to municipal elections, provided that the registrar of voters shall not be required to prepare or the clerk to post a new list of voters, and for this purpose the registrar of voters shall be in session the 3 secular days preceding the election, of which the first 2 days will be devoted to registration of the voters and the last day to enable the registrar to verify the lists and to complete the records of these sessions. The subject matter of this Act shall be reduced to the following question:

"Shall the Wiscasset 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 results shall be declared by the municipal officers of the Town of Wiscasset and the due certificate thereof filed by the clerk 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 within the district voting at the special election. Failure of the approval by the necessary majority of voters at any such election shall not prevent a subsequent election or elections to be held for that purpose.

Effective pending referendum.

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## CHAPTER 83

H.P. 1614 - L.D. 2136

AN ACT to Amend the Charter of the  
Passamaquoddy Water District.

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