

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985  
Chapters 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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tee of the Legislature having jurisdiction over transportation by December 15, 1985.

Effective September 19, 1985.

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## CHAPTER 40

S.P. 87 - L.D. 268

### AN ACT Relating to Source of Supply of the Camden and Rockland Water Company.

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

Sec. 1. P&SL 1880, c. 212, §1, as amended by PL 1913, c. 185, §1, is amended by adding at the end the following:

The water company may, for the purposes named in section 2, take, detain, use, store and appropriate water not exceeding 1,000,000 gallons per day, from the Megunticook River in the Town of Camden, only downstream from the outlet dams at Megunticook Lake and upstream from the Seabright Dam.

Any authority granted in this Act shall be exercised in accordance with all applicable state and local regulatory requirements.

In case of emergency such as a fire protection exigency or the interruption of a primary or major source of water supply to the Towns of Camden and Rockport, the company may use in excess of 1,000,000 gallons per day from the designated stretch of the Megunticook River identified in this section, as necessary, to meet the emergency. In case emergency powers are exercised, the water company shall report within 3 working days to the selectmen of Camden, the Department of Human Services and the Department of Environmental Protection, stating the reasons for exercising emergency power. The company may not withdraw excess water under emergency powers for any period exceeding 5 calendar days, except as approved by at least 2 out of these 3 entities.

Nothing contained in this Act may in any way limit or restrict recreational use of Megunticook River in the Town of Camden, except an area within a radius not to exceed 200 feet from any intake pipe designated by the water company or the Town of Camden in accordance with the Maine Revised Statutes, Title 22,

section 2648, after consultation with and concurrence by the Department of Human Services, as may be necessary for the safety of the public. Nothing in this Act alienates or limits the right of the State to allocate the use of the water from Megunticook Lake.

Sec. 2. P&SL 1880, c. 212, §2, as amended by PL 1913, c. 185, §2, is repealed and the following enacted in its place:

Sec. 2. Powers and duties; right of eminent domain. The company may erect and maintain dams upon any or all of the lakes, ponds, brooks, Oyster River and tributaries of the water identified in section 1, for the purpose of creating and maintaining storage basins or reservoirs of water and may flow the land of any riparian proprietor therefor, and may erect and maintain reservoirs and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of the water, except that the right to erect and maintain dams does not extend to and does not authorize the erection and maintenance of dams on Megunticook River or tributaries in the Town of Camden and the right to flow the land of any riparian proprietor does not extend to or encompass the Megunticook River or tributaries.

The company shall have the same right of eminent domain provided to water companies in the Maine Revised Statutes, Title 35, chapters 263 and 265, provided that nothing contained in this Act may be construed as authorizing the company to take, by right of eminent domain, any of the property or facilities of any other public utility used or acquired for future use by the owner of the public utility in the performance of a public duty, unless expressly authorized in this Act or by subsequent Act of the Legislature.

In case of any crossing of any public utility right-of-way, unless consent is given by the company owning or operating the public utility as to place, manner and conditions of the crossing within 30 days after consent is requested by the company, the Public Utilities Commission shall determine the place, manner and conditions of the 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, but at the expense of the company. In case of any crossing of any railroad right-of-way, the procedure shall be the same as stated in the preceding sentence, except that the Department of Transportation shall be substituted for the Public Utilities Commission.

Sec. 3. P&SL 1880, c. 212, §2-A is enacted to read:

Sec. 2-A. Protection of public health, safety and welfare. Prior to withdrawing any water from the Megunticook River as authorized by section 1, the Camden and Rockland Water Company shall obtain the approval of the Department of Human Services in accordance with the Maine Revised Statutes, Title 22, chapter 601.

In addition to any other requirements of law, the Department of Human Services, in consultation with other agencies as appropriate, shall establish the minimum flow and the minimum water level necessary in the Megunticook River to ensure adequate water quality to protect public health. The water company may not withdraw water from the Megunticook River unless that minimum flow and minimum water level are met.

Upon receipt of petitions from the lesser of at least 25% or 50 of the riparian proprietors along the Megunticook River between the outlet dams at Lake Megunticook and the Seabright Dam, the Board of Environmental Protection shall establish and issue an order implementing a water level regime for that stretch of the Megunticook River, including inflow requirements as necessary, according to the procedures and standards of the Maine Revised Statutes, Title 38, section 840.

Effective September 19, 1985.

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## CHAPTER 41

H.P. 404 - L.D. 557

AN ACT to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1985;