

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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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 TWELFTH LEGISLATURE

1985

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Sec. 6. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Lubec, voting at a regular or special election called and held for the purpose within 10 months after the approval of this Act. The election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the registrar of voters shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters the registrar shall be in session the 3 secular days next preceding the election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the registrar to verify the correction of the lists and to complete and close up his records of the sessions. The town clerk shall reduce the subject matter of this Act to the following question:

"Shall the Lubec Port Authority be created?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

Upon its acceptance by a majority of the legal voters voting at the election, this Act shall take effect for all the purposes hereof; provided that the total number of votes cast for and against the acceptance of this Act at the meeting equaled or exceeded 20% of the total number of votes cast for Governor in the town at the last gubernatorial election. Another election may be held, if the total number of votes cast in the first election does not equal or exceed 20%.

This Act shall take effect for all purposes hereof immediately upon its acceptance by a majority of the legal voters voting at the election. The result of the election shall be declared by the municipal officers of the Town of Lubec and due certificate filed by the town clerk with the Secretary of State.

Effective pending referendum.

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## CHAPTER 99

H.P. 1300 - L.D. 1816

AN ACT to Amend the Waterville Sewerage  
District Charter.

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

Sec. 1. P&SL 1949, c. 211, §2 is repealed and the following enacted in its place:

Sec. 2. Authority to acquire and hold property; right of eminent domain conferred. Upon acceptance of this Act as provided in this section, title to all public drains and sewers in the City of Waterville shall pass to and vest in the district and the district shall maintain and operate drains and sewers. For the purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of the district, the district may acquire and hold real estate and personal estate necessary and convenient for these purposes subject to all duties and obligations of the City of Waterville with respect thereto, which duties and obligations are to be assumed by the district.

The authority and procedures for the exercise of eminent domain by the district shall conform to the Maine Revised Statutes, Title 38, sections 1152, 1152-A, 1153 and 1154.

The district is granted the right of eminent domain and, for such purposes, may take and hold, either by exercising its right of eminent domain or by purchase, lease or otherwise, as for public uses, any land, real estate, easements or interest therein; any sewers, drains or conduits; and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, manholes, catch basins, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage matter, commercial and industrial waste and surface and waste waters.

Nothing contained in this section may be construed as authorizing the sewer 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 of the property or facilities in the performance of a public duty, unless expressly authorized by a special Act of the Legislature.

Sec. 2. P&SL 1949, c. 211, §3, as amended by P&SL 1953, c. 92, §1, is repealed and the following enacted in its place:

Sec. 3. Notice procedures in exercise of right of eminent domain. The commissioners of the district may exercise the right of eminent domain vested in the district for the purposes of this Act only after complying with the following procedures:

1. Notice to owner. The district shall provide notice to the owner as follows.

A. The owner or owners of record shall be notified as follows:

(1) The determination of the commissioners that they will exercise the right of eminent domain;

(2) A description and scale map of the land or easement to be taken;

(3) The final amount offered for the land or easement to be taken, based on the fair value as estimated by the district; and

(4) Notice of the time and place of the hearing provided in subsection 3.

B. Notice may be made:

(1) By personal service in hand by an officer duly qualified to serve civil process in this State; or

(2) By certified mail, return receipt requested, to his last known address.

C. If the owner or owners are not known or if they cannot be notified by personal service or certified mail, notice may be given by publication in the same manner as provided in subsection 3.

2. Notice to tenant. Notice shall be made to any tenants in the same manner as for the owner.

3. Hearing. The commissioners shall hold a public hearing on the advisability of the proposed exercise of the right of the eminent domain. Notice of the hearing shall be made by publication in the Central Maine Morning Sentinel and shall be given once a week for 2 successive weeks, the last publication to be at least 2 weeks prior to the time appointed in the hearing. The hearing notice shall include:

- A. The time and place of the hearing;
- B. A description of the land or easement taken; and
- C. The owners, if known.

The clerk of the district shall keep a record of the commissioners' proceedings and their determination and decision, which shall set forth a description of the land or easement taken, the owners, if known; and the amount of damages awarded.

Sec. 3. P&SL 1949, c. 211, §§3-A and 3-B are enacted to read:

Sec. 3-A. Condemnation proceedings. The district in exercising from time to time the right of eminent domain conferred upon it, shall file in the office of the county commissioners of Kennebec County and cause to be recorded in the registry of deeds in the county plans of the location of all lands, real estate, easements or interest therein, and sewers, drains or conduits and any sewer or drainage rights to be taken, with an appropriate description and the names of the owners thereof, if known. When, for any reason, the district fails to acquire property which it may take and which is described in that location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect that location and file a new description of the property; and in such case any such 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 any such district shall not be 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 the filing, whereupon possession may be had of all the lands, real estate, easements or interests therein and other property and rights as set out in this section to be taken, but title thereto shall not vest in the district until payment therefor.

Sec. 3-B. Appeal. If any person sustaining damages by any taking by the district shall not agree with the district upon the sum to be paid for the taking, either party, upon petition to the county commissioners of Kennebec County, may have the damages assessed by them. The procedure and all subsequent proceedings and right of appeal shall be had under the same restrictions, conditions and limita-

tions as are or may be by law prescribed in the case of damages by the laying out of highways by the county commissioners, except only:

1. Title to the lands, real estate, easements or interests therein and other property and rights to be taken shall not vest in the district until payment to the owner of the amount awarded therefor or, if such payment is refused upon tender, until tender thereof to the treasurer of the county in which lands and interests are located, for escrow at interest for the benefit of the owner pending final determination of the amount to which the owner is entitled; and

2. In the event of an appeal of the amount awarded as damages for that taking:

A. The petition for assessment of damages shall be filed with the clerk of the county commissioners, by either party, within 30 days following the filing and recording of plans of the location of all the property, facilities and rights taken; and

B. If the return of the county commissioners has not been made within 120 days following the filing of the petition for assessment, the county commissioners shall be conclusively presumed to have confirmed the award of damages by the district and either party may, within 30 days following that 120-day period, appeal the amount of the damages awarded by the district to the Superior Court.

Sec. 4. P&SL 1949, c. 211, §5-B, as amended by PL 1975, c. 461, §13, is repealed and the following enacted in its place:

Sec. 5-B. System extensions. The district shall have the right to determine whether extensions to its system shall be made, subject to the authority of local and state health officials.

Prior to authorizing any sewer extension, except by specific state or federal mandate, the commissioners shall notify the legislative bodies and the planning boards of the City of Waterville in order to assure conformity with their comprehensive plans and other public policies relating to their growth and development. The commissioners shall publish notice of the proposed action in the Central Maine Morning Sentinel no less than 7 days prior to the meeting at which they will take final action on the authorization of the extension.



Sec. 5-C. District boundaries. Amendments to expand the boundaries of the district must be approved by the voters of the district prior to consideration by the Legislature.

Sec. 5. P&SL 1949, c. 211, §6-B, as enacted by P&SL 1953, c. 92, §5, is repealed and the following enacted in its place:

Sec. 6-B. Buildings to connect with sewer if available. Every building in the district intended for human habitation or occupancy on premises abutting on a street in which there is a public sewer or any such building within 200 feet of a public sewer shall have a house drainage system which shall be caused to be connected with the sewer by the owner or agent of the premises in the most direct manner possible and, if feasible, with a separate connection for each house or building, except that existing buildings served by a private sewer system when the public sewer becomes available, are not required to connect with any sewer or drain of the district as long as the private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate any law or applicable ordinance or any applicable requirement of the State of Maine Plumbing Code, as determined by the municipal plumbing inspector; his alternate; or, in the event that both are trustees or employees of the district, the Division of Health Engineering.

Sec. 6. P&SL 1949, c. 211, §7, 11th sentence, as amended by P&SL 1953, c. 92, §6, is repealed and the following enacted in its place:

The commissioners shall meet monthly and specially as may be necessary.

Sec. 7. P&SL 1949, c. 211, §7, as amended by P&SL 1967, c. 41, is further amended by adding at the end 2 new paragraphs to read:

The commissioners shall receive compensation as recommended by them and approved by a majority vote of the municipal officers in the City of Waterville, including compensation for any duties they perform as officers as well as for their duties as commissioners. Certification thereof shall be recorded with the Secretary of State and recorded in the bylaws. Their compensation for duties as commissioners shall be on the basis of such specified amount as may be specified in the bylaws for each meeting actually attended and reimbursement for travel and expenses,

with the total not to exceed such specific amount as may be specified in the bylaws. The compensation schedule in effect on January 1, 1982, \$15 for each regular or special meeting attended, with total annual compensation not to exceed \$300, shall continue in effect until changed.

Commissioners who have not been members of the Maine State Retirement System prior to January 1, 1982, as a result of their selection as commissioners and who are not full-time employees shall not be eligible to join the Maine State Retirement System as a result of their selection as commissioners.

Sec. 8. P&SL 1949, c. 211, §10, first paragraph, as amended by PL 1975, c. 461, §14, is repealed and the following enacted in its place:

Sec. 10. Rates; applications of revenue; sinking fund. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of the district the rates and assessments established by the commissioners to pay for the cost of the works and for the service used by them. The rates shall not be discriminatory within the territory served by the district. Prior to adoption of a new rate schedule, the commissioners shall hold a public hearing regarding the proposed rate schedule. The commissioners shall publish the proposed rates and notice of the hearing not less than once in the Central Maine Morning Sentinel not less than 7 days prior to the hearing. The district shall mail to each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

Sec. 9. P&SL 1949, c. 211, §10-B is enacted to read:

Sec. 10-B. Additional method of collecting rate payments. If rates under section 10 are not paid, and the district does not proceed to secure payment by placing a lien on the real estate served by the district, under section 10-A, or does not collect or is in any manner delayed or defeated in collecting the rates under section 10-A, then the district may, in the district's name, maintain an action against the person against whom the rate is assessed, as for money paid, laid out and expended, in any court competent to try the same, and in such suit may recover the amount of the assessment, with interest at an an-

nual rate of 10% on the same from the date of the assessment and costs.

Effective July 16, 1986.

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## CHAPTER 100

S.P. 795 - L.D. 2002

### AN ACT Creating the Cornish Water District.

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

Whereas, the Town of Cornish has voted to establish a water district and to purchase the Cornish Water Company; and

Whereas, the Town of Cornish must act immediately to purchase the Cornish Water Company; 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. Territorial limits; corporate name; purposes. Subject to section 17, the inhabitants and territory of the Town of Cornish in the County of York shall constitute a body politic and corporate under the name of "Cornish Water District" for the purpose of supplying the Town of Cornish and the inhabitants and others of the district, with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

Sec. 2. Powers of Cornish Water District. The Cornish Water District is authorized, for the purposes of its incorporation, to take, collect, store, flow, use, divert, distribute and convey to the district or any part of the district, water from any lake, pond, stream or river, or from any surface or underground brooks, springs or veins of water, natu-