

# 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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## CHAPTER 107

H.P. 1679 - L.D. 2365

### AN ACT to Consolidate the Charter and Increase the Debt Limit of the Dover and Foxcroft 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 Dover and Foxcroft Water District presently provides water and fire protection services to the Dover-Foxcroft area residents; and

Whereas, the existing water supply of the Dover and Foxcroft Water District recently became contaminated by the giardia parasite and prudence dictates that a similar contamination in the future be prevented by a more efficient treatment system or the acquisition of additional or alternative sources of supply; and

Whereas, the costs involved will greatly exceed the debt limitations imposed by law upon the Dover and Foxcroft Water District; 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:

#### PART A

Sec. 1. P&SL 1863, c. 262, as amended by PL 1967, c. 21, is repealed.

Sec. 2. P&SL 1887, c. 31 is repealed.

Sec. 3. P&SL 1987, c. 260 is repealed.

Sec. 4. P&SL 1891, c. 10 is repealed.

Sec. 5. P&SL 1891, c. 339 is repealed.

Sec. 6. P&SL 1893, c. 400 is repealed.

Sec. 7. P&SL 1899, c. 54, §1, as repealed and replaced by P&SL 1965, c. 107, is repealed.

Sec. 8. P&SL 1903, c. 11, as amended, is repealed.

Sec. 9. P&SL 1905, c. 54, §6, as amended by P&SL 1925, c. 12, is repealed.

Sec. 10. P&SL 1909, c. 199 is repealed.

Sec. 11. P&SL 1911, c. 285 is repealed.

Sec. 12. P&SL 1915, c. 40 is repealed.

Sec. 13. P&SL 1923, c. 14 is repealed.

Sec. 14. P&SL 1925, c. 12 is repealed.

Sec. 15. P&SL 1949, c. 64 is repealed.

Sec. 16. P&SL 1959, c. 20 is repealed.

Sec. 17. P&SL 1965, c. 107 is repealed.

Sec. 18. P&SL 1967, c. 21 is repealed.

#### PART B

Sec. 1. Short title. This Act may be known as "The Charter of the Dover and Foxcroft Water District, 1986."

Sec. 2. Name. The name of the Dover and Foxcroft Village Fire Company is changed to the Dover and Foxcroft Water District and all rights, privileges, franchise and property belonging to the Dover and Foxcroft Village Fire Company shall belong to the district, the same as though originally granted or conveyed to the district, and all liabilities and obligations of the Dover and Foxcroft Village Fire Company shall be the liabilities and obligations of the district, the same as if incurred by the district and all suits hereafter brought by or against the corporation shall be in the name of the Dover and Foxcroft Water District whether the cause of action accrues before or after the change of name.

Sec. 3. Territory. All that part of the territory in the Town of Dover-Foxcroft in the county of Piscataquis embraced within the following bounds and limits, together with the inhabitants thereof, is created a body politic and corporate by the name of Dover and Foxcroft Water District.

Beginning at the southeast corner of lot 8, range 1, in that part of said town which was formerly Foxcroft; thence running northerly on the east line of lot 8, range 1, about 410 feet to the southerly line of the Bangor & Aroostook railroad right-of-way; thence westerly on the southerly line of said Bangor & Aroostook railroad right-of-way 700 feet; thence north, parallel to the east line of said lot 8, range 1, about 140 rods to the north line of said lot; thence northerly in a continuation of said last named line 1, 150 feet; thence westerly, parallel with the south line of said Foxcroft to the northeast corner of the former limits of said district; thence westerly, parallel with the south line of said town to the west line of lot 12, range 2 in said Foxcroft; thence southerly on the west line of said lot 12, range 2 and lot 12, range 1, to a point 500 feet northerly of the center line of the highway leading from the Town of Dover-Foxcroft to Guilford, known as Route 15; thence westerly parallel with the center line of said highway and 500 feet northerly thereof to a point which would be intersected by a northerly extension of the easterly line of Rural Grove Cemetery; thence southerly by said extension and by the easterly line of said cemetery to the Piscataquis River; thence easterly by said river to the north end of Maine Central railroad bridge; thence southerly by said railroad bridge and railroad right-of-way east line about 450 feet; thence south 2 degrees west (magnetic 1958) 1,272 feet; thence south 88 degrees east (magnetic 1958) 4,122 feet to west line lot 2, range 12 of original lotting in that part of said town known formerly as Dover, and the former west line of said district; thence southerly on said west line to the southwest corner of said lot 2, range 12; thence southerly on the west line of lot 4, range 11, 1,000 feet; thence easterly, parallel with the south line of said range 12 to the road leading over Woodbury Hill to Dover South Mills; thence northerly on said road to the said south line of said range 12; thence easterly on said south line of said range 12 to the southeast corner of lot 5, range 12; thence northerly on the east line of said lot 5, range 12 to the northeast corner thereof; thence westerly on the north line of said lot 5, range 12 to the point begun at.

Sec. 4. Power of taxation. The district is authorized to raise money by taxation for the purposes of operating, repairing, extending and making capital improvements to its water works system and for its fire department operations and capital needs, to be levied and collected in the manner provided herein.

This is not intended to expand or reduce the authority of the district to raise money by taxation as that authority exists on January 1, 1986.

#### Sec. 5. Assessment of taxes.

1. Property subject to taxation. The money raised by the corporation for the purposes set out in section 4 shall be assessed upon the property within its territory by the assessors of the district in the same manner as is provided by law for the assessment of state taxes and the assessors may copy the most recent valuation made by the assessors of the Town of Dover-Foxcroft and assess the tax in accordance therewith or, if the trustees of the district shall so direct, shall make a new valuation according to the principles of state law and assess the tax on that valuation.

2. Assessment of taxes. Upon a certificate being filed with the assessors of the district by the clerk thereof, of the amount of money determined at any meeting to be raised for the purposes of the district, it shall be the duty of the assessors as soon as may be to assess the amount upon the estate of persons residing in the territory of the district and upon the estate of nonresident proprietors of property located in the territory as provided by the rules for raising a state tax, to make perfect lists under their hands, and to commit the same to the collector of the district, with a warrant under their hands in the form prescribed by law for the collection of taxes by towns, with proper changes, whose duty it shall be to collect the same in like manner as state taxes are by law collected by towns; and the district shall have the same power to direct the mode of collecting the taxes as towns have in the collection of town taxes.

3. Powers of assessment and collection. For the purposes of assessing taxes and for the collection of the taxes, the district, its assessors, clerk, treasurer and collector shall have the same powers now or hereafter conferred upon towns, their assessors, clerks, treasurers and collectors by general law.

Sec. 6. Officers and powers. The officers of the corporation shall consist of a supervisor, clerk, treasurer, collector, 3 assessors, 4 or more fire wardens and a board of trustees of 3 members, one of whom shall be designated as chairman, and such other officers as may be provided for in the bylaws of the district.

The fire wardens shall have exclusively all the power and authority within the limits of the district that fire wardens of towns have and shall have all the powers and perform all the duties conferred upon inspectors of buildings by the laws of the State of Maine. With the approval of the trustees, the fire wardens shall establish rates and charges for fire fighting, protection and prevention.

The board of trustees shall be chosen by ballot at the annual meeting of the district provided for by this Act, one for one year, one for 2 years and one for 3 years and, whenever the term of office of a member of the board expires, his successor shall be chosen by ballot at the annual meeting at which the term expires to serve the full term of 3 years and, in case of a vacancy on the board by death or resignation, the vacancy shall be filled at a special meeting of the district in like manner for the unexpired term. Trustees may be elected to serve one or more successive terms.

The board of trustees shall have the full management and control of the water works system now owned by the corporation, and shall establish such rules as may be necessary for the convenient and proper management of the water works system, employ a superintendent, technical and such other labor as may be necessary for the proper operation of the water works system, fix the amount of the water rates and charges which shall be uniform throughout the district and do all things necessary for the proper operation of the system. They shall approve all bills due from the district before payment by the treasurer. In addition to other meetings, they shall meet twice each year on the first Tuesdays of April and October at the office of the district, at which meetings they shall examine and audit the accounts of the superintendent and treasurer. They shall receive for their services compensation as recommended by them and approved by a majority of the municipal officers of the Town of Dover-Foxcroft. Compensation for duties as trustees shall be based on meetings actually attended and reimbursement for travel and expenses, with the total not to exceed such specific amount as may be specified in the bylaws of the district. The trustees shall meet at such times as provided in the bylaws of the district.

Sec. 7. Annual and special meetings. The annual meeting of the district shall be held at such place as the superintendent may determine in



Dover-Foxcroft, Maine, on the first Tuesday of February in each year. Special meetings may be called by the clerk of the district on request and shall be called by the clerk on petition of 30 or more members of the district. Notice of all meetings shall be given by posting of a copy of the warrant therefor in 2 public and conspicuous places within the district at least 7 days before the time of the meeting and by causing a copy of the warrant to be published in a newspaper of general circulation within the district prior to the meeting.

The district, at any legal meeting thereof, may make and alter bylaws and ordinances for its government for the efficient management of its water system and properties and of its fire department, including the erection and maintenance of chimneys, regulation of all fires, stoves, pipes and flues in use for the purpose of heating contained in any building, the keeping of ashes, and for the regulation of all such other matters as shall endanger property to destruction by fire or tend to spread fire rapidly; provided that the same are not repugnant to the law of the State; and may enforce the same by suitable penalties equal to the penalties provided in the Maine Revised Statutes, Title 35, chapter 313, to be recovered by action of debt in the name and to the use of the district. No justice in Dover-Foxcroft may be disqualified from trying such actions by reason of his being a member of the district.

**Sec. 8. Voting rights.** All persons who are liable to be taxed by the district and reside within the territorial limits of the district and who are otherwise qualified to vote in municipal elections in the State of Maine shall be members of the district and entitled to vote at its meetings and shall be eligible to hold office in the district.

**Sec. 9. Membership of nonresidents.** Any person living without the territorial limits of the district may become a member by a vote of 2/3 of the members present at any annual or special meeting and by consenting to become subject to such proportional tax and charges as may be determined by the corporation.

**Sec. 10. Sinking fund.** The district shall provide a sinking fund in accordance with section 11.

**Sec. 11. Rates.** Subject to the approval of the Public Utilities Commission, all individuals, firms and corporations, whether private, public or municipal, shall pay to the district the rates established by the board of trustees for all water used by them.

These rates shall be so established as to provide revenues for the following purposes:

1. Current expenses. To pay the current expenses for operating and maintaining the water works system and to provide for normal renewals and replacements;

2. Interest. To provide for the payment of the interest on the indebtedness created or assumed by the district for the use of the water works system;

3. Sinking fund. To provide each year a sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the utility, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund shall be devoted to the retirement of the term obligations of the district for the use of the water works system and may be invested in such securities as savings banks in the State are allowed to hold;

4. Principal payment. To provide for annual principal payments on serial indebtedness created or assumed by the district for the use of the water works system; and

5. Contingency reserve. To provide for a contingency reserve fund allowance by providing rates to reflect up to a 5% addition to yearly revenues over what is required to operate the water works system. If this allowance results in an excessive surplus, rates may be set which use the excess to offset future revenue requirements.

#### Sec. 12. Borrowing powers.

1. Authorized to borrow money; to issue bonds and notes; to receive governmental aid. The district, by resolutions of its board of trustees without district vote, is authorized to borrow money for any purpose for which it is authorized to raise money by taxation or for which it may establish rates and to issue, from time to time, bonds, notes or other evidences of indebtedness of the district.

In the event that the board of trustees determines to issue notes, bonds or other evidences of indebtedness, excluding notes payable within one year, notes in anticipation of bonds authorized pursuant to this section, notes in anticipation of revenues to be

collected or received during the current fiscal year or notes in anticipation of the receipt of approved federal or state grants, the authorized amount of which, singularly or in the aggregate included in any one financing, is \$150,000 or more, the trustees shall call a special meeting of the district for the purpose of permitting the collection of testimony from the public concerning the purpose and amount of debt so authorized. Notice of the special meeting, stating the approximate amount of the debt and the purpose for which it is being issued, shall be published not less than 7 full days prior to the date of the special meeting in a newspaper having general circulation in the district and shall be mailed to each water ratepayer in the district not later than the date of publication. No debt may be incurred under the vote of the trustees until the expiration of 7 full days following the date of the special meeting of the district.

Except for proposed indebtedness to fund projects specifically mandated by the State Government or Federal Government or to fund that part of any project which has been approved for grant financing by the State Government or Federal Government, including any related facilities not eligible for that financing, but essential to the operation of the approved project as an integral system, any vote by the trustees to incur indebtedness in excess of the amount specified in this section shall be subject to the following petition and referendum procedure.

If, on or before the 7th day following the date of the special meeting of the district at which meeting the incurrence of the indebtedness was approved, a petition signed by at least 5%, but not less than 50, of the members of the district is filed with the clerk of the district requesting reference of the vote of the trustees to referendum, the clerk of the district shall call a special election for the members of the district for the purpose of submitting to referendum vote the question of approving the vote of the trustees. The vote of the trustees shall be suspended until it has received approval by vote of a majority of the members of the district voting on the question at the special election. If a majority of members voting at the special meeting expresses disapproval of the amount of debt authorized by the trustees, the debt shall not be incurred and the vote of the trustees authorizing it shall be void and of no effect.

All bonds, notes or other evidences of indebtedness of the district may be issued in one series or in separate series, in such amount or amounts, bearing interest at such rate or rates and having such terms and provisions as the board of trustees determines. Any such bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the board may determine. Bonds, notes or evidence of indebtedness may be issued with or without provision for calling the same prior to maturity and, if callable, may be made callable at par or at such premium as the board may determine. All bonds, notes or other evidences of indebtedness shall be signed by the treasurer and countersigned by the chairman of the board of the district. All bonds, notes and evidences of indebtedness issued by the corporation shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes, Title 30, section 5053. The provision that bonds, notes and evidences of indebtedness issued by the district shall be legal obligations of the district shall not be construed so as to prohibit the imposition by the district of fees and charges for the use of water and water service or fees and charges for fire regulation, prevention or fire fighting. Subject to the provisions of this section and in addition to the purposes set forth in this section, the district may, from time to time, issue in one series or in separate series its bonds, notes and other evidences of indebtedness for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State and the interest thereon and any projects from the sale thereof shall be tax exempt.

The district may enter into agreements with State Government, Federal Government or any agency of either or any municipality, corporation, commission or board authorized to grant or loan money to or otherwise assist in the financing of projects, such as the district is authorized to carry out, and to accept grants and, subject to the limitation imposed by this section, borrow money from any such government, agency, municipality, corporation, commission or board as may be necessary or desirable to accomplish the purposes of the district.

Sec. 13. Miscellaneous powers. The Dover and Foxcroft Water District is authorized to sell or

lease for manufacturing purposes any power on its dam at Pratt's rips, so-called, at its pumping station, not used by it for supplying water for its water works system, provided that the sale or lease shall be subject to a reservation of sufficient power for the Dover and Foxcroft Water District for its present or future needs, in supplying water to its water system and any extension thereof.

#### Sec. 14. Property rights.

1. **Eminent domain.** The district is authorized to take and hold by purchase or otherwise any land or real estate necessary for reservoirs or for preserving purity of the water and water sheds, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water.

2. **Water rights; eminent domain.** The district is authorized, for the purposes mentioned in its charter, to take and hold sufficient water of Garland Pond, situated in Dover-Foxcroft and the Town of Sebec, in the county of Piscataquis, and may raise the waters of the pond by a dam at the outlet thereof to such a height as the district may deem expedient; and it is further authorized, for those purposes, to create an artificial pond, by damming the waters of Meadow Brook, so-called, by a dam situated at any convenient point on the brook, in one or more of lots 5 and 6, in ranges 3 and 4 in what was previously Foxcroft, which dam may be of such height as the district may deem expedient; may take and hold by purchase or otherwise any land or real estate necessary for erecting dams, and flowage caused thereby, power, reservoirs, or for preserving the purity of the water and watersheds, and for maintaining a way or ways from the public highways to the ponds, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water.

**Sec. 15. Exemption from taxes.** As formerly provided in Private and Special Law 1905, chapter 54, section 12, the corporate property of the district shall be exempt from taxation.

**Sec. 16. Miscellaneous provision; bylaws.** Nothing herein may annul the existing bylaws and ordinances of the district, but the existing laws and ordinances shall remain in force until altered, amended or repealed except where in direct conflict with any provision of this Act.

**Sec. 17. Severability clause and previous actions of the district.** If any of the provisions of

this Act shall be determined to be void or unenforceable, such action shall not adversely affect the application or enforceability of any other section of the Act.

The enactment of this Act shall in no way affect the validity of actions of the district or its predecessor heretofore taken pursuant to other private and special acts notwithstanding the amendment or repeal of such acts.

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

Effective April 14, 1986.

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## CHAPTER 108

H.P. 1698 - L.D. 2391

AN ACT to Ratify the Vote Converting Caswell  
Plantation to a Town.

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

Referendum vote validated. The majority vote of the voters of Caswell Plantation at the referendum held pursuant to Private and Special Law 1985, chapter 44 is declared to be a valid approval of that Act, notwithstanding the fact that the total vote cast for and against acceptance did not equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election preceeding the vote and Private and Special Law 1985, chapter 44 is hereby declared to be approved in accordance with section 4 of that Act.

Effective July 16, 1986.

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## CHAPTER 109

H.P. 1636 - L.D. 2309

AN ACT to Require the Workers' Compensation  
Commission to Study the Causes of  
Delay and its Effects on the  
Participants in the Workers'  
Compensation System.