

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

CHAPTER 142

S.P. 1025 — L.D. 2681

AN ACT to Amend the Limitation of Indebtedness for the Starks 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 water supply for domestic purposes in the Town of Starks is not in compliance with state rules for drinking water; and

Whereas, this legislation is immediately necessary so that the town may borrow the funds to remedy the situation; 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:

P&SL 1961, c. 40, §9, 2nd sentence is amended to read:

For the purpose of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this act, including expenses in the creation of this district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount not exceeding ~~\$15,000~~ \$100,000, maturing and payable at such time or times, in uniform or varying installments, with or without such call provisions, and with or without such a premium or premiums, as said trustees shall determine.

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

Effective September 19, 1988.

CHAPTER 143

H.P. 1976 — L.D. 2674

AN ACT to Make Technical Changes in the Charter of the Waterville Sewerage District.

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

Whereas, language was inadvertently omitted from previous amendments to the Waterville Sewerage District; and

Whereas, it is necessary to restore the omitted language in order to resolve ambiguities in the district's authority resulting from that omission; 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:

P&SL 1949, c. 211, §10, as amended by P&SL 1987, c. 22 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 a newspaper of general circulation in the City of Waterville 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.

The rates may include a readiness-to-serve charge against owners or persons in possession, or against whom taxes are assessed, of all buildings or premises intended for human habitation or occupancy, which are accessible to sewers or drains of the district, but not actually connected to them, whether or not the buildings or premises are occupied. Buildings or premises shall be deemed to be accessible to a sewer or drain of the district for purposes of this section if the buildings or premises, or any private sewer or drain directly or indirectly connected to it or carrying waste water or commercial or industrial waste from it, comes at any point within 100 feet of a sewer or drain of the district, provided that the owner of the building is not required to acquire any real property or easement in real property for the sole purpose of making the connection.

The rates shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the sewerage system;
2. To provide for the payment of the interest on the indebtedness created or assumed by the district; and

3. To provide each year a sum equal to not less than 1% of the entire indebtedness created or assumed by the district, which sum shall be turned into the sinking fund to provide for the extinguishment of that indebtedness. The commissioners may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year. If any surplus remains at the end of the year, it may be turned into the sinking fund.

The commissioners, on written application stating the grounds thereof, may make such reasonable abatements as they think proper of any rates or assessments.

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

Effective September 19, 1988.

CHAPTER 144

H.P. 1968 — L.D. 2665

AN ACT to Create the East Pittston Water District.

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

Whereas, wells in the East Pittston area have become contaminated with gasoline and pose a serious threat to the health and well-being of residents of that area; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of East Pittston; and

Whereas, it is desirable that a public district be formed in East Pittston to be able to supply water to the people of the area; 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 15, the inhabitants and territory of that part of the Town of Pittston in Kennebec County comprised of the area beginning at the junction of the east and west branches of the Eastern River (approximately 600 feet east northeast of the crossing of the Eastern River by Route 194) in East Pittston, then going 900 feet S 10°W to a point, then going 900 feet S 30°W to a point, then going 975 feet S 42°W to a point, then going N 50°W to a point 550 feet N 50°W of the center line of the Dres-

den Road (also called the Kelly Road on some maps), then going directly north to the Eastern River, then following the Eastern River upstream to the point of beginning shall constitute a body politic and corporate under the name of "East Pittston Water District" for the purpose of supplying the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes.

Sec. 2. Powers of East Pittston Water District. The East Pittston 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 source, natural or artificial, within the area of the Town of Pittston. It is also authorized to locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations and other necessary structures and equipment therefor, and do anything necessary to furnish water for public purposes and for the public health, comfort and convenience of the inhabitants and others of the district, or to contract to do any and all of the foregoing things. The district may not take, withdraw or divert water from any source for the above enumerated purposes, unless it has filed a written petition and obtained the approval of the Public Utilities Commission. The petition shall include a plan for the taking, withdrawal or diversion of water. The petition and plan shall set forth adequate information upon which findings may be made regarding the nature, capacity, safe yield and rechargeability of the source, the amount of water to be taken over time and other existing and projected uses and demands on the source. The commission may by rule or order prescribe other information to be contained in the petition and plan. The commission may not approve a petition unless it finds that the plan ensures that adequate water remains in the source to meet the reasonable needs of existing and projected demands on the source. The commission may impose reasonable terms, conditions or other requirements on the plan. The commission shall issue its order approving or disapproving the plan within 9 months after it determines the petition to be complete.

All incidental powers, rights and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the district created by this Act.

Sec. 3. Authorized to lay mains, pipes, conduits, aqueducts, fixtures and appurtenances through public ways and across private lands. The district is authorized to lay in and through the streets, roads, ways, highways and bridges in the Town of Pittston and across private lands in the Town of Pittston, and to maintain, repair and replace all such pipes, mains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes and, whenever the district shall lay any pipes, mains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel and shall, at its own expense, without unnecessary de-