

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

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 Maine Revised Statutes, Title 35-A, chapter 61 to provide for the purposes set forth therein.

Sec. 14. Existing statutes not affected; rights conferred subject to provisions of law. Nothing contained in this Act is intended to repeal, or may be construed as repealing, the whole or any part of any existing law and all the rights and duties mentioned in this Act shall be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes, Title 35-A, and all Acts amendatory thereof and additional thereto, to the extent that the Maine Revised Statutes, Title 35-A and the amendments thereto affect the operations of the district.

Sec. 15. Separability clause. If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, the holding shall not affect the remainder of this charter, with the intention that the remaining portions of this charter shall stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

Sec. 16. Referendum; effective date. This Act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the district at a special election or elections called and held for the purpose. The election shall be called by the municipal officers of the Town of Pittston and shall be held at the regular voting places; the dates of the elections shall be determined by the municipal officers, but shall not be later than December 1, 1989. These special elections shall be called, advertised and conducted according to the law relating to municipal elections, provided that the board of registration is not required to prepare, nor the town clerk to post, a new list of voters. For this purpose, the board of registration shall be in session on the 3 secular days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up its records of the session. The town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'AN ACT to Create the East Pittston Water District' passed by the Legislature be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of the district voting at the elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 20% of the total number of names on the checklist of voters of the town provided for in this Act, which checklist shall be used at such elections, but failure of approval by the necessary majority or percentage of voters shall not prevent subsequent elections.

The result of these elections shall be declared by the municipal officers of the town and due certificates thereof filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 145

S.P. 1016 — L.D. 2667

AN ACT to Increase the Borrowing Capacity of the Stonington Water Company.

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

Whereas, the Stonington Water District needs to make improvements to its system in order to meet the requirements of the Department of Human Services; and

Whereas, it is necessary to increase the debt limit of the district in order to borrow funds to make the improvements; and

Whereas, it is strongly desired to begin improvements as soon as possible; 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 1907, c. 240, §11, first paragraph, as amended by P&SL 1973, c. 196, is further amended to read:

For accomplishing the purposes of this Act, and for such other expenses as may be necessary for the carrying out of said purposes, said company, through its trustees, is authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, said company, through its trustees, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the company 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

trustees shall determine; provided, however, that the total indebtedness of the said company shall not exceed the sum of ~~\$200,000~~ \$250,000 at any time outstanding; but bonds, notes or other evidences of indebtedness of the company which have matured or otherwise become payable and for the payment of which adequate funds have been provided by depositing such funds with a paying or disbursing agent named in such bonds, notes or other evidences of indebtedness in trust for such purpose shall not be considered to be outstanding.

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

Effective September 19, 1988.

CHAPTER 146

H.P. 1978 — L.D. 2676

AN ACT to Create the Waterboro 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 Waterboro area have become contaminated with petroleum 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 Waterboro; and

Whereas, it is desirable that a public district be formed in Waterboro 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. The inhabitants and territory of the Town of Waterboro in York County shall constitute a body politic and corporate under the name of "Waterboro 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 Waterboro Water District. The Waterboro 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 artifi-

cial, within the area of the Town of Waterboro. 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 Waterboro and across private lands in the Town of Waterboro, 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 delay, cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 4. Authorized to erect dams and reservoirs; to cross navigable waters. The water district is authorized, for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. The water district is also authorized to lay, construct and maintain its pipes and fixtures in, over and under navigable waters and to build and maintain structures therefor.