

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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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 FOURTEENTH LEGISLATURE**

**1989**

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for the purpose of permitting its submission to the legal voters within the district at an election to be specially called and held for that purpose on or before December 31, 1989. The special election shall be called, advertised and conducted according to the law relating to municipal elections, provided that the registrar of voters shall not be required to prepare or the clerks to post a new list of voters, and for this purpose the registrar of voters shall be in session the 3 secular days preceding the election, of which the first 2 days will be devoted to registration of voters and the last day to enable the registrar to verify the lists and to complete the records of these sessions. The subject matter of this Act shall be reduced to the following questions:

Question No. 1: "Shall the St. Francis Water District be created?"

Question No. 2: "Shall the debt limit of the St. Francis Water District be set at \$1,500,000?"

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

The results shall be declared by the municipal officers and due certificate thereof filed by the clerk with the Secretary of State.

This Act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters within the district voting at the special election held in the municipality. Failure of approval by the necessary majority of voters at any such election shall not prevent a subsequent election or elections to be held for that purpose within the time limitation of this section.

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

Effective pending referendum.

## CHAPTER 52

S.P. 609 - L.D. 1703

### An Act to Amend the Charter of the Canton 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 existing water system of the Town of Canton is inadequate for the needs of the inhabitants of the town; and

**Whereas,** that inadequacy is injurious to the health, welfare and safety of the inhabitants of that town; and

**Whereas,** it is imperative that action be taken at the earliest possible moment to relieve that inadequacy; and

**Whereas,** this legislation is immediately necessary to enable the inhabitants of the Town of Canton to take steps to remedy that inadequacy; 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. P&SL 1957, c. 44, §1** is repealed and the following enacted in its place:

**Sec. 1. Territorial limits; name; purposes.** The territory and the inhabitants of that part of the Town of Canton which is bounded and described as follows: all areas west of the Androscoggin River; north and east of the Hartford town line; south of the Peru town line; and north and west of the Livermore town line is created a body politic and corporate under the name of the "Canton Water District" for the purpose of supplying the inhabitants of that district and the Town of Canton with pure water for domestic, sanitary, commercial and municipal purposes.

**Sec. 2. P&SL 1957, c. 44, §2** is amended to read:

**Sec. 2. Source of supply.** The ~~said~~ district, for the purposes of its incorporation, is ~~hereby~~ authorized to take, hold, divert, use and distribute water from any river, lake, pond, stream, brook, well, spring or other source of water, natural or artificial, within the ~~town~~ Town of Canton ~~or to contract to do any or all of the foregoing things.~~

**Sec. 3. P&SL 1957, c. 44, §3** is amended to read:

**Sec. 3. Right of eminent domain.** The ~~said~~ district, for the purposes of its incorporation, is ~~hereby~~ authorized to take and hold, as for public uses, real estate and personal estate, and any interest ~~therein~~ in the estates, necessary or convenient for ~~such those~~ purposes, by purchase, lease or otherwise, and is ~~hereby~~ expressly authorized to exercise the right of eminent domain as ~~hereinafter~~ provided in this Act to acquire for ~~such those~~ purposes any land or interest ~~therein~~ or water rights necessary for erecting and maintaining dams, plants and works, for flowage, for power, for pumping, for supplying water through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

The ~~said~~ district is ~~hereby~~ authorized to lay in and through the streets, roads, ways and highways of the ~~town~~ Town of Canton, and across private lands ~~therein~~ in the town, and to maintain, repair and replace all such pipes, mains, conduits, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever ~~said the~~ district shall lay or install any pipes, mains, conduits,

aqueducts or fixtures 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 so replaced as to leave the surface in proper condition.

The ~~said~~ district is ~~hereby~~ authorized, for the purpose of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. ~~Provided, however, nothing herein contained~~ Nothing in this Act shall may be construed as authorizing ~~said~~ the 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 thereof in the performance of a public duty unless expressly authorized ~~thereto herein~~ in this Act or by subsequent act of the Legislature.

**Sec. 4. P&SL 1957, c. 44, §4** is repealed and the following enacted in its place:

**Sec. 4. Procedure in exercising right of eminent domain and assessment of damages; procedures on appeals.** The district in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of any water company acquired by it shall record in the Registry of Deeds in Oxford County plans of the location of all lands or interests therein or water rights to be taken, with an appropriate description and the names of the owners, if known. Notice of the proposed taking shall be given in person or by mail to each property owner whose whereabouts are known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect such location and file a new description. In such case, the 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 the 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 giving of the notice of taking, whereupon possession may be had of all lands or interests therein or water rights and other property and rights as aforesaid to be taken, but title thereto shall not vest in the district until payment therefor.

If any person sustaining damages by any taking pursuant to this section shall not agree with the district upon the sum to be paid, either party, upon petition to the Superior Court of Oxford County, may have the damages assessed. The procedure and all subsequent proceedings and right of appeal shall be under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages for the laying out of highways.

**Sec. 5. P&SL 1957, c. 44, §6** is repealed and the following enacted in its place:

**Sec. 6. Trustees; election; meetings; officers.** All of the affairs of the district shall be managed by a board of 3

trustees who shall be residents of the district and chosen as provided in this section.

At each annual meeting of the district, one trustee shall be elected by the district by ballot as provided in this Act to serve until the annual meeting of the district occurring 3 years thereafter and until a successor is elected and qualified. Whenever any trustee ceases to be a resident of the district, the trustee vacates the office of trustee. Any trustee who is absent without excuse for 3 consecutive meetings of the board of trustees shall be deemed to have resigned. All trustees, if residents of the district, shall be eligible for reelection. Vacancies in the office of trustee shall be filled by vote of the remaining trustees, to complete the unexpired term.

As soon as convenient after the annual meeting, the board of trustees shall hold a meeting at some convenient place in the district, to be called by any member, in writing, designating the time and place and delivered in hand or by mail to the other 2 members, not less than 2 full days before the meeting, provided that they may meet by agreement without notice, immediately following the annual meeting, other than an announcement at the meeting. They shall elect a chair and clerk and, not necessarily from their own number, a treasurer, and perform other business as may be necessary to carry on the work of the district.

The trustees from time to time may choose and employ and fix the compensation of any other necessary agents and other employees, who shall serve at their pleasure. The treasurer shall furnish bond in sums and with sureties as the board of trustees may approve, the costs thereof to be paid by the district. Members of the board of trustees shall be eligible to serve any office on the board. The trustees, as officers, shall receive as compensation for their services set by the selectmen of the Town of Canton an amount not to exceed \$1,000 each per year.

The trustees shall be sworn to the faithful performance of the duties of the offices, which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and that report may be included in, and published as part of, the town report.

**Sec. 6. P&SL 1957, c. 44, §10** is repealed and the following enacted in its place:

**Sec. 10. Authorized to borrow money; to issue bonds and notes.** For accomplishing the purposes of this Act, the district, through its trustees, without district vote, is authorized to borrow money temporarily and to issue negotiable notes. For the purpose of renewing and refunding the indebtedness so created; paying any necessary expenses and liabilities incurred under the provisions of this Act; acquiring properties; paying damages; laying pipes, mains, aqueducts and conduits; constructing, maintaining and operating a water plant or system; making renewals, additions, extensions and improvements to the same; and to cover interest payments during any period of construction, the district, through its trustees, without district vote, is also authorized to issue, from time to time, bonds, notes or other evidences

of indebtedness of the district 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 that the total indebtedness of the district at any one time outstanding shall not exceed the sum of \$1,000,000. The bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine. Bonds, notes or evidences 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 trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Canton Water District," shall be signed by the treasurer and countersigned by the chair of the board of trustees of the district, and, if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile signature of the treasurer. All bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation under state law. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State and shall be tax exempt.

**Sec. 7. P&SL 1957, c. 44, §12, first paragraph** is amended to read:

**Sec. 12. Water rates; application of revenue; sinking fund.** All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of ~~said the~~ the district the rates established by ~~said the~~ the board of trustees for the water used by them. ~~Said rates~~ Rates shall be uniform within the territory supplied by the district and shall be subject to the approval of the Public Utilities Commission. ~~Said rates~~ Rates shall be so established as to provide revenue for the following purposes:

**Sec. 8. P&SL 1957, c. 44, §13** is amended to read:

**Sec. 13. Existing statutes not affected; rights conferred subject to provisions of law.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties ~~herein~~ mentioned shall be exercised and performed in accordance with all the applicable provisions of ~~chapter 44 of the Revised Statutes of 1954, and all acts amendatory thereof or additional thereto~~ state law.

**Sec. 9. P&SL 1957, c. 44, §14, first paragraph, last sentence** is amended to read:

~~Ten~~ Five percent of the persons qualified to vote in such meetings shall constitute a quorum.

**Sec. 10. P&SL 1957, c. 44, §14, last paragraph** is amended to read:

All persons ~~resident in said the~~ district and qualified to vote for Governor under the laws of this State shall be entitled to vote in any meeting of the district, ~~including the meeting for acceptance of this charter.~~

**Sec. 11. P&SL 1957, c. 44, §15** is amended to read:

**Sec. 15. Trustees granted certain powers of selectmen.** ~~After the meeting for acceptance of this charter, the~~ The trustees shall have the same powers and perform the same duties as otherwise ~~are~~ exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in ~~said the~~ the district, and for that purpose they, or persons acting on their behalf, shall be in session at the office of the ~~said~~ district for one hour next before the opening of any meeting; and notice thereof shall be given in the call for the meeting. All meetings of the district shall be presided over by a ~~the~~ moderator chosen in the same manner and with the same authority as moderators of town meetings.

**Sec. 12. Transition.** Board members serving on the effective date of this Act shall continue to serve the balance of their terms under this Act as if they had been elected under the provisions of this Act.

**Emergency clause and referendum.** In view of the emergency cited in the preamble, this Act shall take effect when approved for the purpose of submitting the question of whether to increase the total indebtedness of the district from \$200,000 to \$1,000,000 to the legal voters of the Canton Water District, resident in the district, at the next regular town meeting or at a special town meeting to be called and held for the purpose by December 31, 1989. The election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen of the town 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 board of voter registration shall be in session on the secular day next preceding the special election. The town clerk of the town shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'An Act to Increase the Total Authorized Indebtedness of the Canton Water District from \$200,000 to \$1,000,000,' passed by the 114th 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 immediately upon its acceptance by a majority of the legal voters voting at the election.

The result of the vote shall be declared by the municipal officers of the Town of Canton and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Effective pending referendum.