

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

“Do you favor amending the charter that created the Oxford Water District to increase the total authorized indebtedness of the district from \$300,000 to \$1,500,000?”

The voters shall indicate by a cross or check mark placed against the word “Yes” or “No” their opinion of the same. This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

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

Effective pending referendum.

CHAPTER 43

H.P. 1006 - L.D. 1352

An Act to Abolish the Castine Water District

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

Sec. 1. P&SL 1961, c. 67, as amended by P&SL 1989, c. 98, §§1 to 3, is repealed.

Sec. 2. Town of Castine’s acquisition of property of Castine Water District. The Town of Castine acquires, under the terms contained in this Act, all, and not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Castine Water District including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The consideration paid for them is the assumption by the Town of Castine of all of the outstanding debts, obligations and liabilities of the Castine Water District including, without limitation, the assumption by the Town of Castine of any outstanding notes or bonds of the Castine Water District that are due on or after the date of transfer.

Sec. 3. Castine Water District required to sell property to the Town of Castine. The Castine Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1961, chapter 67, under the terms contained in this Act, shall sell, transfer and convey to the Town of Castine by appropriate instruments of conveyance all, and not less than

all, of its plants, properties, assets, franchises, rights and privileges including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Town of Castine of all of the outstanding debts, obligations and liabilities of the Castine Water District including, without limitation, the assumption of any outstanding notes or bonds of the Castine Water District that are due on or after the date of the transfer.

Sec. 4. Approval of Public Utilities Commission. The sale and transfer by the Castine Water District to the Town of Castine of its plant, properties, assets, franchises, rights and privileges and the assumption by the Town of Castine of all of the outstanding debts, obligations and liabilities of the Castine Water District pursuant to sections 2 and 3 and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the Town of Castine within the limits of the Town of Castine are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 5. Contracts of Castine Water District assumed by the Town of Castine. All contracts between the Castine Water District and any person, firm or corporation relating to supplying water that are in effect on the date of the transfer by the Castine Water District to the Town of Castine are assumed and carried out by the Town of Castine.

Sec. 6. Dissolution and termination of Castine Water District; pledge of revenues. If and when all debts, obligations and other liabilities of the Castine Water District have been paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption thereof by the Castine Water District and to the novation and substitution of the Town of Castine as obligor in respect thereto in place of the Castine Water District and, when the transfer of property pursuant to section 3 is complete, the clerk of the Castine Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Castine Water District terminates. Until the corporate existence of the Castine Water District is terminated pursuant to this section, the gross revenues derived by the Town of Castine from the sale of water within the area comprising the former limits of the district must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Castine Water District assumed by the Town of Castine pursuant to this Act.

Sec. 7. Referendum; effective date. The municipal officers of the Town of Castine may submit this

Act to the legal voters of the Town of Castine voting at a regular or special election called and held within 6 months after passage of this Act. If the municipal officers choose to so submit this Act the election must be called, advertised and conducted according to the law relating to municipal elections, except that the municipal officers are not required to prepare or the town clerk to post a new list of voters. For the purpose of registration of voters the registrar is required to be in session the 3 secular days next preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions. The subject matter of this Act is reduced to the following question:

“Do you favor the dissolution of the Castine Water District and the acquisition of the assets and liabilities of the Castine Water District by the Town of Castine?”

This Act also must be submitted to the Trustees of the Castine Water District for a ratification vote at any trustees' meeting.

This Act takes effect for all purposes immediately upon its acceptance by the Trustees of the Castine Water District and by a majority of the legal voters of Castine voting at the election.

The results of the election must be declared by the municipal officers of the Town of Castine and due certificate thereof filed by the town clerk with the Secretary of State.

Sec. 8. Effective date. Section 1 of this Act takes effect when the Secretary of State receives valid notice of dissolution and termination of the Castine Water District pursuant to section 6.

Effective pending referendum, unless otherwise indicated.

CHAPTER 44

H.P. 615 - L.D. 830

An Act Amending the Charter of the Brewer Water District

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

Whereas, certain provisions of the Charter of the Brewer Water District are inadequate for the Brewer Water District to carry out its functions; and

Whereas, uninterrupted collection and distribution of water is essential to the health and welfare of the customers of the Brewer Water District; and

Whereas, the Brewer Water District needs the power to adopt bylaws in order to preserve the purity of Hatcase Pond, the primary water source for the City of Brewer, consistent with a federally mandated implementation schedule under the Safe Drinking Water Act; and

Whereas, the charter of the Brewer Water District does not exempt from property taxation property owned by the district but located outside of the City of Brewer; 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 1945, c. 146, §§14-A and 14-B are enacted to read:

Sec. 14-A. General bylaw authority. The Brewer Water District has the power to adopt bylaws not inconsistent with the general laws of the State to prevent pollution of the water of Hatcase Pond and to preserve the purity of the water, and the district may prescribe penalties for the violation of those bylaws. Those bylaws may specifically restrict or prohibit boating or fishing, in a manner not inconsistent with the general laws of the State, to prevent pollution and to preserve the purity of the water. Those bylaws may also restrict swimming to prevent pollution and preserve the purity of the water but any such restriction may not be more stringent than the 3,000-foot ban contained in section 14-B and must be consistent with the general laws of the State. The bylaws have the same force and effect as municipal ordinances and the District Court has jurisdiction over violations.

Sec. 14-B. Water quality. A person may not bathe or wash articles of personal apparel in or upon the waters of Hatcase Pond. A person may not engage in or attempt to engage in boating or fishing in or upon the waters of Hatcase Pond within 2,000 feet of the intake of the Brewer Water District. A person may not engage in or attempt to engage in swimming in or upon the waters of Hatcase Pond within 3,000 feet of the intake of the Brewer Water District. A person who violates this section commits a civil violation for which a fine of not more than \$500 must be adjudged for each offense. The Department of Inland Fisheries and Wildlife shall enforce this section.

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

Effective June 16, 1993.