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H.P. 1147

House of Representatives, April 22, 2021

An Act To Repeal and Replace the Kittery Water District Charter

Received by the Clerk of the House on April 20, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MATHIESON of Kittery.
Cosponsored by Senator LAWRENCE of York.

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

2 **Sec. 1. Corporate limits; purpose.** Pursuant to the Maine Revised Statutes, Title
3 35-A, chapter 64, the territory described as follows and its inhabitants constitute a standard
4 district under the name "Kittery Water District," referred to in this Act as "the district," for
5 the purpose of supplying the inhabitants of that district with pure water for domestic,
6 sanitary, commercial, industrial and governmental purposes, except that the district may
7 supply water pursuant to any contract with the United States Government: so much of the
8 Town of Kittery in the County of York, beginning: At the intersection of the Kittery, Eliot
9 and York town lines, near the intersection of Beech Ridge Road and Birch Hill Road, York,
10 -70-43-59.334577 W 43-08-53.8973311 N, to the intersection of Kingsbury Lane and the
11 northerly end of Boulter Pond, York, -70-42-49.6480387 W 43-10-45.3033869 N, to the
12 Kittery Water District Treatment Plant, New Boston Road, York, -70-41-26.9790881 W
13 43-09-47.4562265 N, to the intersection of Cider Hill Road and Cider Hill Creek, near #63
14 Cider Hill Road, York, -70-40-52.4809683 W 43-09-14.843154 N, to U.S. Route 1, at a
15 valve in front of #4 U.S. Route 1, York, -70-42-07.4670456 W 43-07-58.9788246 N, and
16 so much of the Town of Eliot: Beginning at the intersection of River Road and Shapleigh
17 Old Mill Pond, Eliot, thence running northeasterly to -70-49-17.1735813 W 43-07-
18 53.5036442 N, the intersection of Fore Road and State Road, Eliot, thence running
19 northeasterly, -70-48-22.2209294 W 43-08-18.0445193 N, to the intersection of Harold L.
20 Dow Highway and Arc Road, thence 500' northeasterly along Arc Road, to a point, thence
21 running southeasterly, 500' from and parallel to, the Harold L. Dow Highway, -70-47-
22 08.7509814 W 43-08-39.169043 N, to the intersection of the Kittery and Eliot town lines,
23 near the intersection of Hanscom Road and Bolt Hill Road, Eliot, -70-45-30.1957606 W
24 43-07-20.8098403 N.

25 **Sec. 2. Powers; authority; duties.** The district has all the powers and authority
26 and is subject to all the requirements and restrictions provided in the Maine Revised
27 Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

28 The district is hereby authorized and empowered to extend its business into the Town
29 of Eliot for the purpose of supplying the Town of Eliot and the inhabitants thereof with
30 water for domestic, commercial, industrial and governmental purposes.

31 The district is hereby given and granted the same authority, rights and privileges to
32 install, transact and carry on its business in the Town of Eliot as it has in the Town of
33 Kittery.

34 For accomplishing the purposes of this Act, the district, through its trustees, is
35 authorized to issue its notes or bonds to an amount sufficient to procure funds to pay the
36 expenses necessary to install its business in the Town of Eliot.

37 The district is hereby authorized and empowered to extend its business into the Town
38 of York, from its present water main, over Cider Hill, so-called, to Great Bridge, so-called,
39 and over Beech Ridge, so-called, for the purpose of supplying the Town of York, within
40 this territory and the inhabitants thereof, with water for domestic, commercial, industrial
41 and governmental purposes.

42 The district is hereby given and granted the same authority, rights and privileges to
43 install, transact and carry on its business in the Town of York within the territory above
44 named as it has in the Town of Kittery.

1 **Sec. 3. Power to take water; purchase water.** The district is authorized to take
2 water from any spring, pond or streams in the district or adjoining towns within or outside
3 of the district, including surface and groundwater sources, except that no water except as
4 provided in this Act may be taken from springs or ponds now used for similar purposes
5 without consent of the owner, to erect and maintain pumping stations, with all necessary
6 appliances required thereto, to erect and maintain reservoirs and standpipes and to lay down
7 and maintain pipes and aqueducts necessary for the proper accumulating, conducting,
8 discharging, distributing and disbursing of water, and forming proper reservoirs therefor.
9 The district may take and hold by purchase or otherwise any lands, or real estate necessary
10 therefor, may excavate through any lands when necessary for the purposes of the district
11 and may purchase water from another water district.

12 **Sec. 4. Trustees.** Trustees in office at the time of voter approval of this Act shall
13 serve the remainder of their terms. The board of trustees of the district is composed of 5
14 trustees. A trustee must be a resident of the district and a registered legal voter and may
15 not be a municipally elected official. Of the trustees who are first elected after the effective
16 date of this Act, one trustee must be elected to a term of one year, 2 trustees must be elected
17 to a term of 2 years and 2 trustees must be elected to a term of 3 years pursuant to the Maine
18 Revised Statutes, Title 35-A, section 6410, subsection 4. A trustee must be chosen by
19 ballot, including by absentee or mail-in ballot, by the legal voters within the district.
20 Whenever the term of office of a trustee expires or to otherwise fill an unoccupied office
21 of trustee, the legal voters of the district shall elect a successor to serve for a full term of 3
22 years, and if any other vacancy occurs it may be filled in like manner for the unexpired
23 term. In the event of a tied vote, a run-off election must be conducted pursuant to the Maine
24 Revised Statutes, Title 30-A, section 2528, subsection 10 within 6 weeks of the election,
25 with 30 days' public notice, and the incumbent, if any, continues to hold office until the
26 election is decided. As soon as convenient after the board of trustees has been chosen, the
27 board of trustees shall hold a meeting at such time as determined by the board of trustees
28 at the office of the water district in the Town of Kittery and organize by the election of a
29 chair and clerk, adopt a corporate seal and when necessary choose a treasurer and all other
30 needful officers and agents for the proper management of the affairs of the district. The
31 trustees may procure an office and incur such expenses as may be necessary. The district
32 at any legal meeting thereof, called for the purpose, may adopt such bylaws and provisions,
33 not inconsistent with the laws and constitution of the State and the United States, as
34 considered expedient and necessary for the better government and regulation of the
35 municipal affairs within the district, in which case such bylaws and provisions so adopted
36 extend to the district as fully, to all intents and purposes, as the other provisions of this Act,
37 subject only to alterations or additions by a 2/3 vote, at a legal meeting of the district called
38 for the purpose.

39 **Sec. 5. United States Government contracts.** All contracts existing on the
40 effective date of this Act between the Kittery Water District as established by Private and
41 Special Law 1907, chapter 424, as amended, and any persons or corporations or the United
42 States Government for supplying water within the district and any remaining portion of the
43 Town of Kittery, the Town of Eliot, the Town of York or other adjoining town are assumed
44 and carried out by the district under this Act.

45 **Sec. 6. P&SL 1907, c. 424,** as amended, is repealed.

46 **Sec. 7. P&SL 1909, c. 109,** as amended, is repealed.

