

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 1147 - L.D. 1542

**An Act To Repeal and Replace the Kittery Water District Charter**

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

**Whereas,** this legislation adds 2 trustees to the board of trustees of the Kittery Water District to provide for better representation of all those residing within the district boundaries; and

**Whereas,** the election of new trustees needs to occur before 90 days after the adjournment of the First Special Session of the 130th Legislature in order to meet municipal needs; and

**Whereas,** the current charter of the Kittery Water District does not appropriately reflect the territory of the district and does not allow for equal representation for all persons residing within the boundaries of the district; 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. Corporate limits; purpose.** Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, the territory described as follows and its inhabitants constitute a standard district under the name "Kittery Water District," referred to in this Act as "the district," for the purpose of supplying the inhabitants of that district with potable water for domestic, commercial, industrial, municipal and governmental purposes, except that the district may supply water pursuant to any contract with the United States Government: all of the Town of Kittery in the County of York, the Portsmouth Naval Shipyard, and so much of the Town of York in the County of York, beginning: At the intersection of the Kittery, Eliot and York town lines, near the intersection of Beech Ridge Road and Birch Hill Road, York, -70-43-59.334577 W 43-08-53.8973311 N, to the intersection of Kingsbury Lane and the northerly end of Boulter Pond, York, -70-42-49.6480387 W 43-10-45.3033869 N, to the Kittery Water District Treatment Plant, New Boston Road, York, -70-41-26.9790881 W

43-09-47.4562265 N, to the intersection of Cider Hill Road and Cider Hill Creek, near #63 Cider Hill Road, York, -70-40-52.4809683 W 43-09-14.843154 N, to U.S. Route 1, at a valve in front of #4 U.S. Route 1, York, -70-42-07.4670456 W 43-07-58.9788246 N, and so much of the Town of Eliot: Beginning at the intersection of River Road and Shapleigh Old Mill Pond, Eliot, -70-49-17.1735813 W 43-07-55.5036442 N, thence running northeasterly to the intersection of Fore Road and State Road, Eliot, -70-48-22.2209294 W, 43-08-18.0445193 N, thence running northeasterly to the Harold L. Dow Highway near the intersection of Arc Road, thence 500' northeasterly along Arc Road, to a point, -70-47-08.7509814 W 43-08-39.169043 N, thence running southeasterly, 500' from and parallel to the Harold L. Dow Highway, to the intersection of the Kittery and Eliot town lines, near the intersection of Hanscom Road and Bolt Hill Road, Eliot, -70-45-30.1957606 W 43-07-20.8098403 N.

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

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

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

The district is hereby authorized and empowered to extend its business into the Town of York within the territory identified in section 1.

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

**Sec. 4. Trustees.** Except as otherwise provided in this section, the board of trustees of the district is composed of 5 trustees governed and elected in accordance with the Maine Revised Statutes, Title 35-A, section 6410. A trustee must be a resident of the district and a legal voter and may not be a municipally elected official. Trustees serving on the board of the district on the effective date of this Act continue to serve until their terms expire. Two additional trustees must be elected after the effective date of this Act, one trustee for a term of one year and one trustee for a term of 2 years. A trustee must be chosen by ballot, including by absentee or mail-in ballot, by the legal voters within the district. Whenever the term of office of a trustee expires or to otherwise fill an unoccupied office of trustee, the legal voters of the district shall elect a successor to serve for a full term of 3 years, and if any other vacancy occurs it may be filled in like manner for the unexpired term. In the

event of a tied vote, a run-off election must be conducted pursuant to Title 30-A, section 2528, subsection 10 within 6 weeks of the election, with 30 days' public notice, and the incumbent, if any, continues to hold office until the election is decided.

**Sec. 5. Continuance of district; contracts.** This Act updates the charter of the district. The district is neither dissolved, replaced nor transferred to any other entity by this Act. All contracts existing on the effective date of this Act between the district as established by Private and Special Law 1907, chapter 424, as amended, and any persons or corporations or the United States Government for supplying water within the district and any remaining portion of the Town of Kittery, the Town of Eliot, the Town of York or other adjoining town remain contracts of the district under this Act. Except as otherwise expressly provided, nothing in this Act affects the outstanding debts, obligations, liabilities and responsibilities of the district or any plants, properties, assets, franchises, rights, privileges and operations of the district, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus, appliances and appurtenances used or useful in supplying water for domestic, commercial, industrial, municipal and governmental purposes, in possession of the district, established by Private and Special Law 1907, chapter 424, as amended.

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

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

**Sec. 8. P&SL 1911, c. 2,** as amended, is repealed.

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