

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 911

S. P. 273

In Senate, February 19, 1969

Referred to Committee on Public Utilities. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to the Charter of the Van Buren Water District.

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

Whereas, the Van Buren Water District, a quasi-municipal corporation organized and existing pursuant to the provisions of Chapter 316 of the Private and Special laws of 1905, as amended, is engaged in supplying water to the people of said District, and to the remaining part of the Town of Van Buren and Hamlin Plantation ; and

Whereas, the existing plant and facilities of the District are not adequate to meet the expanding needs for water of the inhabitants of the District and the inhabitants of the remaining part of said Van Buren and Hamlin, thereby constituting a menace to the health, welfare and safety of the inhabitants of said Van Buren and Hamlin ; and

Whereas, it is immediately necessary to take steps to alleviate said condition and to develop plans to improve and enlarge the existing plant and facilities of said District ; and

Whereas, the present charter is ambiguous as to the District's authority to create indebtedness for the aforesaid purposes ; 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. & S. L., 1905, c. 316, § 5, amended. The 3rd, 4th and 5th sentences of section 5 of chapter 316 of the private and special laws of 1905, as amended by chapter 9 of the private and special laws of 1933, are repealed and the following paragraph enacted in place thereof:

The annual election of officers shall be in the month of February. As soon as convenient after each annual election, the board of trustees shall hold a meeting at the office of the Van Buren Water District in the Town of Van Buren and organize by the election of a chairman, clerk and treasurer, adopt a corporate seal, and when necessary, any other officers and agents, who shall serve at their pleasure. Each trustee shall receive for his services the sum of \$150 per year, except that the treasurer may receive a sum not exceeding \$200 per year.

Sec. 2. P. & S. L., 1905, c. 316, § 9, repealed and replaced. Section 9 of chapter 316 of the private and special laws of 1905, as amended, is repealed and the following enacted in place thereof:

Sec. 9. Authorized to issue bonds. For accomplishing the purposes of this Act, said water district, by resolution of its board of trustees, without district vote, is authorized to borrow temporarily and to issue therefor its negotiable notes, and for the purpose of renewing and refunding the indebtedness so created, and of paying any necessary expenses and liabilities incurred under the provisions of this Act, and in acquiring properties, pay damages, in securing sources of supply, laying pipes, constructing, maintaining and operating a water plant, and making extensions, additions and improvements to the same, said district, by resolution of its board of trustees, without district vote, is 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. Said 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 such call provisions, and with or without such a premium or premiums, as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Van Buren Water District", shall be signed by the treasurer and countersigned by the chairman 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 such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be applicable thereto. The said district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine and shall be tax exempt. The said district is authorized

and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to carry out the provisions of this Act.

Sec. 3. P. & S. L., 1905, c. 316, § 10, sub-§ 1, amended. Subsection 1 of section 10 of chapter 316 of the private and special laws of 1905 is amended to read as follows:

1. **To pay current expenses.** To pay the current ~~running~~ expenses for **operating** and maintaining the water system and provide for such extensions and renewals as may become necessary.

Sec. 4. P. & S. L., 1905, c. 316, § 10, sub-§ 3, amended. Subsection 3 of section 10 of chapter 316 of the private and special laws of 1905 is amended by adding at the end a new sentence to read as follows:

Provided, however, that the trustees may in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.

Sec. 5. P. & S. L., 1905, c. 316, § 10, sub-§§ 4-5, repealed and replaced. Subsections 4 and 5 of section 10 of chapter 316 of the private and special laws of 1905 are repealed and the following subsection enacted in place thereof:

4. **Surplus, how disposed of.** If any surplus remains at the end of the year, it may be transferred to the sinking fund.

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