

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2219**

S. P. 772

In Senate, January 2, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Cox of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT to Create the Bangor Community Solid Waste District.**

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

**Sec. 1. Bangor Community Solid Waste District; created.** The inhabitants of and territory within the City of Bangor, in the County of Penobscot, State of Maine, shall be and hereby are constituted a body politic and corporate under the name of the "Bangor Community Solid Waste District" for the purposes of constructing, maintaining, operating and providing a system of solid waste management for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the City of Bangor. Said district is hereby authorized to acquire land or buildings for said purposes by purchase, gift or lease and construct thereon, building or buildings for other facilities and other purposes on land acquired as above. Property of said district shall be tax exempt.

**Sec. 2. Trustees; terms, appointment.** All the affairs of the district shall be managed by a board of 5 trustees, who shall be residents of said district, appointed by the city council of the City of Bangor, and shall hold office as hereinafter provided and until their respective successors are appointed and qualified. Whenever the term of office of a trustee expires, the city council of said Bangor shall appoint a successor to serve the full term of 5 years and any other vacancy shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said district, his office as trustee shall be declared vacant.

The members of the first board of trustees shall be appointed to serve terms of 5, 4, 3, 2, and one years respectively, from the date of their appointments. Thereafter, members shall be appointed to serve for a term of 5 years.

No member of the Bangor city council shall serve as a member of the board of trustees.

The first board of trustees shall be appointed by the city council within 60 days from the date of acceptance of this Act by the voters of the City of Bangor.

**Sec. 3. Trustees; meetings; chairman; clerk and treasurer; seal.** The said trustees, as soon as convenient after their appointment, shall hold a meeting for organizational purposes, said meeting to be called by any member thereof in writing, designating the time and place, and shall give 48 hours written notice to the other members. At the first meeting of said board of trustees, the members shall elect a chairman, a treasurer, and a clerk from their own number to serve at the board's pleasure, and to perform any other acts within the powers delegated to them by law, and said treasurer shall give a bond approved by a majority of the members, for the faithful performance of his duties, in such sum as said trustees shall determine. Said trustees shall also provide a corporate seal and have an established place of business within said district. Members of the board of trustees shall serve without compensation.

Said trustees may appoint agents or other officers, or both, who shall serve at the pleasure of the trustees and any compensation shall be fixed by said trustees. Said trustees shall have power to fill vacancies in the offices of chairman, treasurer, and clerk and they shall be sworn to the faithful performance of their duties. They shall make and publish an annual report, which report shall also contain the report of the treasurer.

**Sec. 4. Assessment of taxes authorized to meet indebtedness; how collected; procedure.** The trustees of the district shall determine what sum is required each year for sinking fund payments, or if the bonds or notes authorized by this Act shall be issued to mature serially, what sum is required each year to meet the bonds and notes falling due, and what sum is required each year to meet the interest on said bonds or other obligations, and what sum is required each year to meet other necessary expenses in the district, and shall each year, before the 1st day of April, issue their warrant in the same form as the warrant of the treasurer of state for taxes, with proper changes, to the assessors of the City of Bangor, requiring that they assess the total sum so determined upon the taxable polls and estates within said district and to commit their assessment to the collector of said City of Bangor, who shall have all authority and powers to collect said taxes as is vested by law to collect state, county and municipal taxes. On or before the 31st day of December of the year in which said tax is so levied, the treasurer of said city shall pay the amount of the tax so assessed against said district to the treasurer of said district. In case of a failure on the part of the treasurer of the city to pay said sum, or in case of his failure to pay any part thereof on or before said 31st day of December in the year in which said tax is levied, the treasurer of said district may issue his warrant for the amount of said tax or so much thereof as shall then remain unpaid to the sheriff of Penobscot county, requiring him to levy by distress and sale on real and personal property of any of the inhabitants of said district, and then the sheriff or either or

any of his deputies shall execute said warrant, except as otherwise provided herein. The same authority as is vested in county officials for the collection of county taxes, under the provisions of the revised statutes, is hereby vested in the trustees of said district in relation to the collection of taxes within said district.

**Sec. 5. Bonds; term, interest, and specifications.** Said district, by its trustees, may issue its bonds or notes secured or unsecured for a term not exceeding 30 years, in such amount and of such denomination, not exceeding \$1,000,000 as the trustees of said district may determine, and said bonds or notes when authorized by vote of said district, signed by the treasurer and sealed with the corporate seal shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the Revised Statutes of 1944 and all the provisions of said section shall be applicable thereto. Each bond and note shall have inscribed upon its face the words "Bangor Community Solid Waste District" and shall bear interest at such rates as the trustees shall determine, payable semi-annually. Said bonds and notes shall be issued to mature serially. All notes and bonds issued by said district shall be signed by the treasurer and countersigned by the chairman of the board of trustees, and if coupon bonds be issued, each coupon shall be attested by a facsimile signature of the chairman of the board and treasurer printed thereon. All bonds may be made callable at the discretion of the trustees of the district at any interest date.

**Sec. 6. Bonds payable serially.** All bonds or notes issued by said district shall become due and payable serially and the trustees of said district shall annually provide by taxation or otherwise for the retirement of such sum or sums of money as may become due in any one year.

**Sec. 7. Authorized to receive gifts, etc.; may lease buildings.** Said trustees are hereby authorized to receive any gift of real estate which shall be described in a trust deed or the donation of any sum of money or other thing of value in trust, to be expended under the provisions of this Act, and in every particular as if the same had been appropriated by said district for the purposes herein specified.

Said trustees shall have power to execute a term lease of any or all buildings upon premises satisfactory to the trustees.

**Sec. 8. Referendum; effective date.** This Act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the proposed district at a regular or special election called by the municipal officers of the City of Bangor and held at the regular voting places in said city. The result of such election shall be determined by said municipal officers; the 1st such election shall not be later than the 31st day of December, 1974. The usual procedure for registration and preparation of check lists shall be followed as in elections called and held as provided by law; provided, that the board of registration shall not be required to prepare for posting, nor the city clerk to post a new list of voters. The city clerk shall prepare the required ballots, on which he shall state the subject matter of this Act in the following question: "Shall the Act Creating

the Bangor Community Solid Waste District passed by the 106th Legislature, special session, be accepted?" The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total votes for all candidates for governor cast in the next previous gubernatorial election in said city. Failure of approval shall not prevent the municipal officers of said City of Bangor from again submitting said question to the voters of said district in the manner aforesaid. The result of such elections shall be declared by the municipal officers of the City of Bangor and due certificate thereof filed by the city clerk with the Secretary of State.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the title.