

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 1951

8 H. P. 1976 House of Representatives, February 9, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

9 Referred to the Committee on Public Utilities. Sent up for concur-
rence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

10
11 **STATE OF MAINE**
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT to Revise the Lubec Water and**
17 **Electric District Charter to Modify the**
18 **Requirements for Issuance of Bonds.**
19

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

23 Whereas, this charter amendment would require action in
24 Lubec by the town meeting, which occurs in April; and

25 Whereas, in the judgment of the Legislature, these
26 facts create an emergency within the meaning of the Consti-
27 tution of Maine and require the following legislation as
28 immediately necessary for the preservation of the public
29 peace, health and safety; now, therefore,

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

31 **Sec 1. P&SL 1951, c. 92, §11 is repealed and the fol-**
32 **lowing enacted in its place:**

1 Sec. 11. Authorized to negotiate temporary loans; and
2 to issue notes and bonds; declared a quasi-municipal corpo-
3 ration; notes and bonds legal investments for savings banks.
4 For accomplishing the purposes of this Act, the district,
5 through its trustees, is authorized to borrow money, as fol-
6 lows.

7 The district may issue bonds and notes, including reve-
8 nue obligation securities as otherwise authorized by this
9 charter, in such amounts as the Public Utilities Commission
10 authorizes for the purpose of raising the amount required to
11 accomplish the purposes of this charter. The bonds and
12 notes may be of date and denomination and payable at such
13 times and places and bear such rate of interest as the dis-
14 trict may authorize in accordance with the procedures of
15 this section. The district may borrow money temporarily,
16 for periods of less than one year, without vote of the
17 inhabitants except as provided in this charter in amounts
18 which in the judgment of the trustees are necessary to ac-
19 complish the purposes of this charter.

20 In the event that the trustees vote to authorize bonds
21 or notes, the estimated cost of which, singly or in the
22 aggregate included in any one financing, is \$150,000 or
23 more, adjusted, relative to 1981 as the base year according
24 to the annual Consumer Price Index, as defined in the
25 Revised Statutes, Title 5, section 1001, subsection 6-A, the
26 trustees shall provide notice to the general public of the
27 proposed bond or note issue and the purposes for which the
28 debt is being issued. The notice shall be published at
29 least once in a newspaper having general circulation in the
30 district. The trustees shall give notice to each ratepayer
31 by mail.

32 No debt may be incurred under the vote of the trustees
33 until the expiration of 7 full days following the date on
34 which the notice was first published and mailed. Prior to
35 the expiration of the period, the trustees shall call a spe-
36 cial district meeting for the purpose of permitting the col-
37 lection of testimony from the public concerning the amount
38 of debt so authorized.

39 Except for indebtedness to fund projects specifically
40 mandated by the State Government and Federal Government, for
41 debts in excess of the amount specified in this section, if
42 requested by petition of not less than 50 voters of the dis-
43 trict or 5% of the voters, whichever is greater, filed with
44 the clerk of the district on or before the date of the meet-
45 ing, the meeting shall express approval or disapproval of
46 the amount of debt so authorized. If a majority of voters

1 present and voting expresses disapproval of the amount of
2 debt authorized by the trustees, the debt shall not be
3 incurred and the vote of the trustees authorizing it shall
4 be void and of no effect.

5 Any notes or bonds issued pursuant to this section
6 shall be senior to any indebtedness created under section 2.
7 The notes and bonds shall be legal obligations of the dis-
8 trict, which is hereby declared to be a quasi-municipal cor-
9 poration as defined in the Revised Statutes, Title 30,
10 section 2250 for all purposes, including the requirements of
11 the Revised Statutes, Title 30, section 5053. The notes and
12 bonds shall be legal investments for savings banks and ex-
13 empt from taxation.

14 **Sec. 2. Local referendum for town of Lubec; meeting,**
15 **how called; form of ballot; certificate to Secretary of**
16 **State. This Act shall take effect for all purposes when**
17 **approved by a majority of the legal voters of the Town of**
18 **Lubec present and voting for or against the acceptance of**
19 **the revision to the charter at the next annual town meeting**
20 **after this Act shall become a law, but if and only if the**
21 **total number of votes cast for and against the acceptance of**
22 **this Act in that election equals or exceeds 20% of the**
23 **total vote for all candidates for Governor cast in Lubec at**
24 **the previous gubernatorial election. The election shall be**
25 **called, advertized and conducted according to law relating**
26 **to municipal elections, provided, however, that the board of**
27 **registration in the Town of Lubec shall not be required to**
28 **prepare for posting nor the town clerk to post a new list of**
29 **voters, and for the purpose of registration of voters, the**
30 **board shall be in session the 3 secular days preceding such**
31 **election, the first 2 days thereof to be devoted to regis-**
32 **tration of voters and the last day to enable the board to**
33 **verify the corrections of the lists and to complete and**
34 **close up their records of those sessions. The town clerk**
35 **shall reduce the subject of this Act to the following ques-**
36 **tion:**

37 "Shall the Act to revise the Lubec Water and Electric
38 District Charter to Modify the Requirements for Issuance of
39 Bonds be accepted?"

40 The voters shall indicate by a cross placed against the
41 words "Yes" or "No" their opinion of the same. A check list
42 shall be used at the election. The result shall be declared
43 by the municipal officers and due certificate thereof filed
44 with the Secretary of State by the clerk of the town.

