

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2219

S.P. 807

In Senate, May 3, 1999

**An Act Relating to the Kennebec Regional Development Authority.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KONTOS of Cumberland.

Cosponsored by Senators: CAREY of Kennebec, DAGGETT of Kennebec, KILKELLY of Lincoln, Representatives: COLWELL of Gardiner, GAGNON of Waterville, MADORE of Augusta, O'BRIEN of Augusta.

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

4  
6           **Whereas,** the Legislature, through Private and Special Law  
1997, chapter 79, established the Kennebec Regional Development  
Authority; and

8  
10          **Whereas,** several parts of chapter 79 require clarification  
in order to facilitate the organization of the Kennebec Regional  
Development Authority and the issuance of bonds by that entity;  
and

12  
14          **Whereas,** the completion of the organization of the Kennebec  
Regional Development Authority is vitally necessary at the  
earliest possible time to serve the needs of the central Maine  
area; and

16  
18          **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,

20  
22  
24         **Be it enacted by the People of the State of Maine as follows:**

26                 **Sec. 1. P&SL 1997, c. 79, §1, first ¶ is amended to read:**

28  
30                 **Sec. 1. Kennebec Regional Development Authority established;**  
**incorporation; purposes.** The territory, cities, towns and  
plantations that on the effective date of this Act comprise the  
so-called Kennebec Valley Economic Development District, which  
32                 presently comprises all of the cities, towns and plantations  
34                 located within Kennebec and Somerset counties and the towns of  
36                 Unity, Troy, Thorndike, Freedom, Palermo and Burnham located  
38                 along the western border of Waldo County, or any combination of  
40                 such cities, towns and plantations, constitute a body politic and  
                  corporate to be known as the Kennebec Regional Development  
Authority, referred to in this Act as the "authority," for the  
benefit and welfare of the inhabitants thereof and to:

42                 **Sec. 2. P&SL 1997, c. 79, §4 is amended by adding 2 new**  
44                 **paragraphs at the end to read:**

46                 The bonds, notes and other obligations of the authority do  
not constitute any debt or liability of the State or any  
48                 participating city, town or plantation and do not constitute a  
pledge of the faith and credit of the State or any participating  
50                 city, town or plantation nor in any event may such bonds, notes  
or other obligations be payable out of any funds other than those  
of the authority and a statement to that effect must be set forth

2 in any bond, note or other obligation issued pursuant to this  
3 Act. Except as set forth in this Act, bonds, notes or other  
4 obligations of the authority do not constitute an indebtedness  
5 within the meaning of any constitutional or statutory debt  
6 limitation or restriction.

7 The bonds, notes and other obligations of the authority are  
8 eligible for purchase pursuant to Title 30-A, chapter 225 and the  
9 authority is declared to be a single "governmental unit" within  
10 the meaning of Title 30-A, section 5903, subsection 6. The  
11 authority is also authorized to issue bonds, notes or other  
12 obligations to the Finance Authority of Maine and the Finance  
13 Authority of Maine is authorized to provide financial assistance  
14 to the authority pursuant to Title 10, chapter 110,  
15 notwithstanding Title 10, section 1041, subsection 3.

16 **Sec. 3. P&SL 1997, c. 79, §14** is repealed and the following  
17 enacted in its place:

18 **Sec. 14. Emergency clause; voting procedure; effective date.** In  
19 view of the emergency cited in the preamble, this Act takes  
20 effect when approved only for the purposes of permitting its  
21 submission to the legal voters and city councils of the cities,  
22 towns and plantations described in Section 1 of this Act at  
23 regular or special town or plantation meetings, city elections or  
24 city, town or plantation council meetings called and held for  
25 that purpose before June 30, 1999. Whenever cities, towns and  
26 plantations have charters, the manner in which a vote is taken  
27 either through a city, town or plantation council meeting, city  
28 election or town or plantation meeting must be determined based  
29 upon the provisions of the city, town or plantation charter and  
30 any such city elections, city, town or plantation council  
31 meetings, or town or plantation meetings must be called,  
32 advertised and conducted according to the law relating to  
33 municipal elections and meetings. The declaration of the  
34 municipal officers of any city, town or plantation that the city,  
35 town or plantation has become a member of the authority in  
36 accordance with its charter is conclusive and may not be open to  
37 question in any court upon any grounds. Any action that has been  
38 taken by the city, town or plantation at a time prior to the  
39 amendment of this section, which action is consistent with the  
40 provisions of this section as amended is hereby ratified in all  
41 respects to the extent that such action is considered for all  
42 purposes as being consistent with the provisions of this section  
43 as subsequently amended. The registrars of voters are not  
44 required to prepare, nor the clerks to post, new lists of  
45 voters. For the purpose of registration of voters, the  
46 registrars of voters must be in session on the secular day next  
47 preceding these regular or special meetings. The votes taken at  
48 any town or plantation meeting must be taken in a manner that  
49 enables a written record to be made of the number of yea and nay  
50 votes on the question presented to said meeting.

2 In those instances where a vote is taken at a town or  
4 plantation meeting or through an election, the municipal clerk  
6 shall reduce the subject matter of this Act to the following  
8 question that must appear, in the case of an election, on the  
10 ballot and, in the case of a town or plantation meeting, on the  
12 warrant:

14 "Do you favor approving the Act creating the Kennebec  
16 Regional Development Authority passed by the 118th  
18 Legislature, and (insert name of city, town or plantation)  
20 becoming a participating member of that authority?"

22 In the case of written ballots, the voters must indicate by  
24 a cross or a check mark placed against the words "Yes" or "No"  
26 their opinion of the same. In the case of a vote taken at a  
28 meeting of a city, town or plantation council meeting, the same  
30 question must be presented to the members of the council for  
32 their vote.

34 This Act takes effect immediately upon acceptance by the  
36 cities, towns and plantations so voting approval and having a  
38 combined state valuation of at least \$3,000,000,000. The result  
40 of the votes taken in each city, town or plantation must be  
42 declared by the respective municipal officers and due  
44 certification thereof must be filed by the city, town or  
46 plantation clerk with the Secretary of State.

## 30 SUMMARY

32 This bill contains the following 3 clarifications to the  
34 private and special law that was enacted by the 118th Maine  
36 Legislature in 1997 creating the Kennebec Regional Development  
38 Authority.

40 1. The bill clarifies that the communities that are  
42 presently part of the Kennebec Valley Economic Development  
44 District are eligible to become participating members of the  
46 Kennebec Regional Development Authority.

48 2. The bill adds a specific statement to the law that would  
50 be placed on any bond, note or other obligation issued by the  
authority, that those bonds, notes and other obligations do not  
constitute a debt or liability of the State or any participating  
city, town or plantation and do not constitute a pledge of the  
faith and credit of the State or any participating city, town or  
plantation. The bill also adds a provision that authorizes the  
authority to issue bonds, notes or other obligations to the  
Finance Authority of Maine.

2           3. The bill also makes it clear that elections or a  
referendum are only required in the event that the provisions of  
4 a charter of a city, town or plantation require such election or  
referendum. The bill also indicates that, in those instances  
6 where a city, town or plantation has a charter with provisions  
relevant to the vote being taken under the private and special  
8 law, those charter provisions determine whether the vote must be  
taken at a council meeting, town or plantation meeting or through  
a city, town or plantation election or referendum.