

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 615, L.D. 864, Bill, "An Act To Streamline Sewer District and Sanitary District Borrowing"

Amend the bill by striking out the title and substituting the following:

'An Act To Streamline Sewer District Borrowing and Amend Laws Governing Water District Borrowing To Ensure Consistency'

Further amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, it is necessary to immediately clarify the authority of a water district to hold a referendum outside the territory of that district when the usual voting place is located outside the territory 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,'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

COMMITTEE AMENDMENT

2 'Sec. 1. 35-A MRSA §6413, first ¶, as enacted by PL 1995, c.
616, §10, is amended to read:

4
6 Prior to issuing on behalf of a standard district any bond,
note or other evidence of indebtedness payable within a period of
8 more than 12 months after the date of issuance, the trustees
shall propose a debt limit for the standard district that the
10 trustees must submit for approval in a districtwide referendum.
The referendum must be called, advertised and conducted according
12 to the law relating to municipal elections, except the standard
district's registrar of voters is not required to prepare or the
14 clerk to post a new list of voters. The referendum may be held
outside the territory of the district if the usual voting place
for persons located within the district is located outside the
territory of the district. For the purpose of registering
16 voters, the registrar of voters must be in session on the regular
workday preceding the election. The question presented must
18 conform to one of the following forms:

20 Sec. 2. 35-A MRSA §6413-A, 2nd ¶, as enacted by PL 2003, c.
22 147, §3, is amended to read:

24 If a water district chooses to increase its debt limit
pursuant to this section, the governing body of the water
26 district shall propose a new debt limit and submit the proposal
for approval at a districtwide referendum within the district.
28 The referendum must be called, advertised and conducted according
to the law relating to municipal elections, except the registrar
30 of voters is not required to prepare or the clerk to post a new
list of voters. The referendum may be held outside the territory
32 of the district if the usual voting place for persons located
within the district is located outside the territory of the
34 district. For the purpose of registering voters, the registrar
of voters must be in session on the regular work day preceding
36 the election. The question presented must conform to the
following form:

38 "Do you favor changing the debt limit of the (insert name of
40 district) from (insert current debt limit) to (insert
proposed debt limit)?" '

42 Further amend the bill in section 2 in that part designated
44 "§1256." in subsection 2 by striking out all of the first
indented paragraph (page 2, lines 9 to 19 in L.D.) and inserting
46 in its place the following:

48 '2. Referendum. If a sewer district chooses to increase
its debt limit pursuant to this section, the governing body of
50 the sewer district shall propose a new debt limit and submit the

2 proposal for approval at a districtwide referendum. The
4 referendum must be called, advertised and conducted according to
6 the law relating to municipal elections, except the registrar of
8 voters is not required to prepare or the clerk to post a new list
10 of voters. The referendum may be held outside the territory of
12 the district if the usual voting place for persons located within
14 the district is located outside the territory of the district.
16 For the purpose of registering voters, the registrar of voters
18 must be in session on the regular work day preceding the
20 election. The question presented must be in substantially the
22 following form:'

24 Further amend the bill by inserting at the end before the
26 summary the following:

28 **'Emergency clause.** In view of the emergency cited in the
30 preamble, this Act takes effect when approved.'

32 Further amend the bill by relettering or renumbering any
34 nonconsecutive Part letter or section number to read
36 consecutively.

24 SUMMARY

26 This amendment makes certain technical changes to the
28 language of the bill and makes explicit that a referendum to
30 increase a sewer district debt limit can be held outside the
32 territory of the district if the usual voting place is located
34 outside the territory of the district. It also makes this same
36 change to the laws authorizing water districts to raise their
38 debt limits by referenda. The amendment removes section 1 of the
40 bill, which proposed to provide a referendum option for
increasing the debt limits of sanitary districts. Since the
sanitary district enabling law does not include a debt limit,
there is no need for a process to change a sanitary district debt
limit. The sanitary district law currently provides for a voter
petition process to call for a referendum on certain debt
issuances. This amendment also changes the title and adds an
emergency preamble and emergency clause to the bill.