

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 885

H. P. 712

House of Representatives, March 1, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Dellert of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Amend Provisions of the Charter of the Gardiner Water District
Relating to Trustees and Funding.**

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

Whereas, the Gardiner Water District, on a regular basis, needs to and does borrow money for periods of up to one year for the purposes of providing water safely and continuously to the customers of the Gardiner Water District; and

Whereas, the charter of the Gardiner Water District now requires that prior approval must be obtained from the Public Utilities Commission in order to borrow those moneys for periods of up to one year; and

Whereas, obtaining that approval from the Public Utilities Commission is extremely time consuming, cumbersome and adversely affects the ability of the Gardiner Water District to safely and continuously provide water to its customers and is not essential to either the Gardiner Water District or to the Public Utilities Commission; 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 P&SL 1903, c. 82, § 5, as amended by P&SL 1955, c. 194, § 3, is repealed and the following enacted in its place:

Sec. 5. Board of trustees. All the affairs of the water district shall be managed by a board of trustees composed of 3 members to be chosen by the municipal officers of the City of Gardiner, but no member of the city council shall, during the term for which he is elected, be chosen one of the board of trustees. As soon as convenient after the members of the board have been chosen, the trustees shall hold a meeting at the city rooms in the City of Gardiner and organize by the election of a president and clerk, adopt a corporate seal and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of the district. At the first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for 2 years and one for 3 years; and whenever the term of office of a trustee expires, the municipal officers of the City of Gardiner shall appoint a successor to serve the full term of 3 years; and in case any other vacancy arises it shall be filled in like manner for the unexpired term. They may also ordain and establish such bylaws as are necessary for their own convenience and the proper management of the affairs of the district. The term of office of trustees shall begin on the first Monday of April. The trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services, an allowance of \$500 per year.

The trustees shall, on or before March 1st, make and file with the municipal officers of the City of Gardiner a report of their doings as trustees of the water district and a statement of the receipts and disbursements of the water district during the year ending December 31st next preceding, and this shall be deemed the fiscal year of the water district.

Sec. 2. P&SL 1903, c. 82, § 9, as repealed and replaced by P&SL 1955, c. 194, § 4, is repealed and the following enacted in its place:

Sec. 9. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks. For accomplishing the purposes of this Act, the district, through its trustees, is authorized, with the approval of the Public Utilities Commission, to borrow money from time to time, and to issue therefor the interest-bearing negotiable notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for those purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness to establish a fund therefor. For the purpose of obtaining or providing money to pay

or to meet any necessary expenses and liabilities under the provisions of this Act, including expenses in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making extensions, additions and improvements to the same, the district, through its trustees may from time to time issue bonds of the district to an amount necessary in the judgment of the trustees therefor, maturing and payable at such time or times, in uniform or varying installments, with or without call provisions, and with or without such a premium or premiums, as the trustees shall determine. The notes and bonds shall be legal obligations of the district, which is hereby declared to be a quasi-municipal corporation within the meaning of the Maine Revised Statutes of 1964. The notes and bonds shall be legal investments for savings banks.

All bonds or notes issued by the district shall bear the district seal and shall be signed by the treasurer and countersigned by the president of the board of trustees, of the district and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer.

Sec. 3. P&SL 1903, c. 82, § 10, sub-§ IV, is repealed.

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

STATEMENT OF FACT

This bill amends the charter of the Gardiner Water District for reasons set out in the emergency preamble.