

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1068

H. P. 836

House of Representatives, March 5, 1979

On Motion of Mr. Davies of Orono, referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Violette of Van Buren.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Revise the Van Buren Light and Power District Charter.**

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

P&SL 1917, c. 182, as last amended by P&SL 1975, c. 32, is repealed and the following enacted in its place:

**Sec. 1. Territorial limits; name; purposes; bond issue authorized. The following described territory and the people within same, namely all of the Town of Van Buren excepting that area contained by original Lots 237 through 248, inclusive; and so much of the Town of Hamlin as is included in original Lots 306 through 309, inclusive; is hereby created a body politic and corporate under the name of the Van Buren Light and Power District; with the right of making, generating, purchasing, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, and to sell the same for street lighting purposes and to light all public and private buildings, houses, stores, warehouses, mills and business places in the district, and likewise for heating, domestic and power purposes. The district is also authorized to build such system as may be required to carry out the purposes herein stated, or to acquire by purchase or the right of eminent domain any existing system or systems and to enlarge or extend the same as circumstances shall require. The district is also authorized to issue bonds to such amount as may appear necessary to fully accomplish these purposes with a view to furnishing the inhabitants of the district with gas and electricity for all purposes to which the same may be advantageously applied.**

**Sec. 2. Poles and wires may be constructed along streets and across private property; damages. The district shall have power to construct and maintain its lines, poles, wires and fixtures for transmission of gas or electricity over and across and under roads and streets in the territory named in section 1; subject to the conditions and restrictions of the general law, and shall have the right to construct and maintain its transmission lines, poles and wires as aforesaid across private property, but shall be liable to pay damages to the owners thereof, under the same conditions and limitations as are by law prescribed in the case of damage for the laying out of highways.**

**Sec. 3. Free access to premises. The officers or agents of the district shall have free access to all premises served by its transmission lines, poles, and wires at all reasonable hours to ascertain the amount of electrical power purchased and to enforce the provisions of this charter and the rules and regulations which may be prescribed hereunder.**

**Sec. 4. Board of trustees. All of the affairs of the district shall be managed by a board of 3 trustees, resident of the district. They shall hold office as hereinafter provided and until their respective successors are appointed and qualified.**

**When any trustee ceases to be a resident of the district, his office as trustee shall be declared vacant. None of the councilors of the Town of Van Buren shall serve as a trustee of the district. Trustees shall be subject to the provisions of Title 30, section 2251.**

**Sec. 5. Trustees, how elected, term, vacancies filled for the unexpired term, officers, meetings. The present trustees shall hold office until the expiration of the term for which they have been elected. Each year as the term of a trustee expires, the legal voters of the district shall elect a successor to serve for a full term of 3 years, and if any vacancy occurs it may be filled in like manner for the unexpired term.**

**The elections shall be conducted with the annual municipal elections of the Town of Van Buren and for purpose of nomination, the trustees shall be considered municipal officials and shall be nominated in accordance with Title 30, chapter 207. Upon the election of a trustee or trustees, the clerk of the Town of Van Buren shall forward the name of the trustee or trustees elected to the board of trustees of the district with the other data with regard to their election as the board of trustees may require.**

**As soon as convenient after each annual election the trustees shall hold a meeting at the office of the district in the Town of Van Buren, and organize by the election of a chairman and clerk, adopt a corporate seal, and, when necessary, may choose a treasurer and all other officers and agents for the proper management of the affairs of the district.**

**The trustees shall be sworn to the faithful performance of their duties as such. They shall make and publish an annual report which shall also contain a report of the treasurer.**

The trustees shall determine their compensation, not less than \$5 and not to exceed \$10 for their services for each board meeting that each attends.

The district, at any legal meeting thereof called for the purpose, may adopt the bylaws and provisions, not inconsistent with the laws and constitution of this State and the United States, as it may deem expedient and necessary for the better government and regulation of its affairs within the district, in which case the bylaws and provisions so adopted shall extend to the Van Buren Light and Power District as fully, to all intents and purposes, as the other provisions of this Act, subject only to alterations or additions by a 2/3 vote, at a legal meeting of the district called for the purpose.

Meetings of the trustees may be called by the chairman of the board of trustees or by any 2 of the trustees. Notice of the meeting shall be mailed to, served upon, or left at the usual dwelling place of each trustee at least 24 hours before the meeting. The presence of 2 trustees shall constitute a quorum for the transaction of business.

Sec. 6. Annual meeting of the district. The annual meeting of the district shall be held within the district in the month of March after the municipal elections at such date, hour and place as may be designated by the trustees. Notice thereof, signed by the trustees, shall be conspicuously posted in 2 public places within the district, not less than 7 days before the meeting.

Sec. 7. Trustees granted certain powers of selectmen. The trustees shall have the same powers and perform the same duties as otherwise are exercised and performed by the selectmen of towns in correcting and preparing lists of the persons qualified to vote in the district, and for that purpose they shall be in session at a place and date designated by them before the opening of the meeting and notice thereof shall be given in the call of the meeting. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings.

Sec. 8. District authorized to make contracts, incidental powers and privileges. The district, through its trustees, is authorized to contract with persons and corporations. All the incidental powers, rights, and privileges necessary to the accomplishment of the main object herein set forth are granted to the district.

Sec. 9. Rates and purposes for which money may be expended. All individuals, firm, and corporations, whether private, public or municipal, shall pay to the treasurer of the Van Buren Light and Power District the rates established by the board of trustees for the electricity used by them either for light, heat, power or other purposes, and the rates shall be uniform within the district. The rates shall be subject to approval of the Public Utilities Commission, and shall be so established as to provide for the following purposes:

1. Expenses. To pay the current running expenses for maintaining the light and power system contemplated by this Act, and interest on all indebtedness;

2. **Sinking fund.** To provide each and every year after April 1, 1920, a sum equal to not less than 1/2%, nor more than 3%, and after April 1, 1925, a sum of not less than 1% nor more than 5% of the entire indebtedness of the Van Buren Light and Power District, which sum shall be set aside as a sinking fund to provide for the final extinguishment of the funded debt. The money set aside for the sinking fund shall be devoted to the retirement of the long term and short term obligations of the district or invested in such securities as savings banks are allowed to hold; and

3. **Surplus.** Any surplus may, at the discretion of the aforesaid board of trustees, be transferred in whole or in part to the treasurer of the Town of Van Buren for the use of the inhabitants thereof.

**Sec. 10. Authority to borrow money.** The Van Buren Light and Power District is hereby authorized to issue its bonds or notes to such an amount as the Public Utilities Commission may authorize for the purpose of raising the amount required to accomplish the various purposes contemplated by this Act, to wit, the building of an electric light or gas system, the acquisition of any existing system or systems and the enlargement or extension of the same, and the accomplishment of all other things necessary, useful or incidental thereto. The bonds or notes may be of the date and denomination and payable at such times and places, and bear such rate of interest, as the inhabitants of the Van Buren Light and Power District may determine or authorize their trustees to determine, by vote passed at any legal meeting of the inhabitants called for the purpose and containing an article in the warrant for that purpose. The district is authorized to borrow money temporarily without vote of the district inhabitants in amounts which in the judgment of its board of trustees are necessary to accomplish the purposes of the district.

**Sec. 11. Property tax exempt.** The real and personal property, rights and franchises of the district shall be forever exempt from taxation.

#### STATEMENT OF FACT

The purpose of this bill is to revise the Van Buren Light and Power District Charter.