

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
New Draft of: H. P. 712, L. D. 885
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1653

H. P. 1461

House of Representatives, June 1, 1979

Reported by Mr. Davies from the Committee on Public Utilities. Printed under
Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Extend the Territory of the Gardiner Water District and to Enlarge
the Board of Trustees.**

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 is and will be in the immediate future engaged in major financial activities in order to insure the continued availability of a public water supply for the health and well-being of the inhabitants of the district; and

Whereas, it is essential that a number of changes be made to the charter to enable the district to more efficiently undertake necessary activities; and

Whereas, the district serves a large population beyond the territorial limits of the district that provides the district with approximately 1/3 of the total revenues received by the district; and

Whereas, the population outside the district has proposed to become part of the district, and extension of the territorial limits of the district is necessary to provide representation for a significant population on the Board of Trustees; and

Whereas, the additions to the Board of Trustees will provide valuable input and direction to 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,

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

Sec. 1. P&SL 1903, c. 82, § 1, as amended by P&SL 1951, c. 153, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; corporate name; purposes. The territorial limits of the municipalities of Gardiner, Farmingdale and Randolph and the people within those limits are hereby made and declared to be a public water district and a quasi-municipal corporation under the name of "Gardiner Water District." The Gardiner Water District shall supply the inhabitants of the water district and the inhabitants of Pittston with pure water for domestic and municipal purposes.

Sec. 2. P&SL 1903, c. 82, § 5, first ¶, first sentence, is repealed and the following enacted in its place:

All the affairs of the water district shall be managed by a board of trustees composed of 6 members to be chosen by the municipal officers of their respective municipalities, but no member of the city council or selectmen's office shall, during the term for which he is elected, be chosen one of the board of trustees. Four trustees shall represent the City of Gardiner, one trustee shall represent the Town of Farmingdale and one trustee shall represent the Town of Randolph.

Sec. 3. P&SL 1903, c. 82, § 5, first ¶, 3rd sentence, is repealed and the following enacted in its place:

The 3 trustees, appointed by the municipal officers immediately following the effective date of this Act in 1979, shall determine by lot the term of office of each newly appointed trustee so that one shall serve for one year, one for 2 years and one for 3 years. Thereafter, the trustees shall be appointed for a 3-year term. Trustees presently appointed to the Gardiner Water District's Board of Trustees shall serve until the expiration of their terms. Whenever the term of office of a trustee expires, the municipal officers of the municipality which the trustee represents shall appoint a successor to serve a term of 3 years. In the event that any other vacancy occurs, it should be filled according to the same procedure for the unexpired term.

Sec. 4. P&SL 1903, c. 82, § 5, 2nd ¶, as enacted by P&SL 1955, c. 194, § 3 is repealed and the following enacted in its place:

The trustees, on or before the deadline set by the Public Utilities Commission for the filing of the district's annual report to the Public Utilities Commission, shall file with the municipal officers of the municipalities within the district a report of the activities of the trustees of the 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. 5. P&SL 1903, c. 82, § 9, as repealed and replaced by P&SL 1955, c. 194, § 4, is amended to read as follows:

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, ~~said~~ 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 ~~said~~ **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 ~~said~~ 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 ~~such~~ call provisions, and with or without such a premium or premiums, as ~~said~~ the trustees shall determine. ~~Said~~ **The** notes and bonds shall be legal obligations of ~~said~~ the district, which is hereby declared to be a quasi-municipal corporation within the meaning of ~~sections 136 and 137 of chapter 53 of the Revised Statutes of 1954~~ **the Revised Statutes, Title 30, section 5053.** The ~~said~~ notes and bonds shall be legal investments for savings banks.

All bonds or notes issued by ~~said~~ 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 ~~said~~ the district and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer. **The district may issue notes and bonds payable within one year without the approval of the commission as provided in the Revised Statutes, Title 35, section 172.**

Sec. 6. P&SL 1903, c. 82, § 12, is repealed and the following enacted in its place:

Sec. 12. Sections 1, 2 and 3 of this Act shall take complete effect as hereinafter provided when approved by a majority of the legal voters resident in each municipality of the district, present and voting for or against sections 1, 2, and 3 of the charter as amended by the 109th Legislature during the First Regular Session, by ballot at any regular or special election called and held for the purpose of voting upon any state referendum. The election shall be called, advertised and conducted, not later than one year after the effective date of this Act, according to the law relating to municipal elections; provided, however, that the registrars of voters in those municipalities shall not be required to prepare for posting, nor the

city or town clerks to post, a new list of voters and for the purpose of registration of voters, the registrars shall be in session the 3 secular days next preceding the election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the registrars to verify the correction of the lists and to complete and close up their records of the sessions.

The city and town clerks in each municipality shall reduce the subject matter of sections 1, 2, and 3 to the following question:

“Shall the proposed amendments to the charter of the Gardiner Water District be approved to increase the territory of the district to include Farmingdale and Randolph, to increase the size of the Board of Trustees and to provide for the appointment of new trustees?”

The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. Upon its acceptance by a majority of the legal voters voting at the election, held in each municipality, sections 1, 2, and 3 of this Act shall take effect in that municipality provided that the total number of votes cast for and against the acceptance of sections 1, 2 and 3 of this Act at each election equaled or exceeded 20% of the total number of votes cast for Governor in each municipality at the last gubernatorial election and further provided that there is a favorable majority vote in the City of Gardiner, and the municipalities of Farmingdale and Randolph. Another election may be held, if the total number of votes cast in the first election does not equal or exceed 20%. The result of the election shall be declared by the municipal officers of the municipalities and due certificate filed by the city and town clerks with the Secretary of State.

Sec. 7. Emergency clause; effective date. In view of the emergency cited in the preamble, this Act shall take effect when approved except that sections 1, 2, and 3 shall take effect only for the purpose of permitting submission of these sections to the legal voters of the municipalities of Gardiner, Farmingdale and Randolph at any regular election or at any election called for the purpose of voting upon any state referendum.

STATEMENT OF FACT

The purpose of this bill is to enlarge the territory of the Gardiner Water District to include Farmingdale and Randolph, and to permit the district to issue bonds, without PUC approval, that are payable within one year. Most water districts are authorized to issue short term bonds and loans without PUC approval.

In addition, the district's reporting date to the municipalities is changed to coincide with the reporting date to the Public Utilities Commission.