

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1859

S.P. 681

In Senate, January 5, 1984

Reference to the Committee on Public Utilities. Ordered printed and sent down for concurrence.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Redmond of Somerset.

Cosponsor: Representative Rotondi of Athens.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

**AN ACT to Amend the Charter of the
Jackman Sewer District to Clarify the Limit
on Indebtedness and to Clarify Certain Other
Language in the Charter.**

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

Whereas, the Jackman Sewer District is eligible to receive grant funds from authorized state and federal agencies, and those grants have been approved for its 1984 water pollution control project; and

Whereas, before July, 1984, the district must borrow in excess of \$1,000,000 on a temporary basis in anticipation of receiving the grant funds, in order to complete the design and undertake the construction of that project; and

1 Whereas, the charter of the district is unclear
2 as to whether temporary borrowing in anticipation of
3 grants is subject to its limitation upon total per-
4 mitted outstanding indebtedness; and

5 Whereas, unless the charter is amended to clarify
6 that such temporary borrowing is not included in to-
7 tal permitted outstanding indebtedness, the pollution
8 control project may be frustrated and will be delayed
9 and made more expensive; and

10 Whereas, the punctuation and certain wording in
11 the first 2 sentences of section 15 of the charter
12 leaves unclear the purposes for which long-term in-
13 debtedness may be incurred by the district and the
14 district contemplates the issuance of long-term in-
15 debtedness in May, 1984; and

16 Whereas, in the judgment of the Legislature,
17 these facts create an emergency within the meaning of
18 the Constitution of Maine and require the following
19 legislation as immediately necessary for the preser-
20 vation of the public peace, health and safety; now,
21 therefore,

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

24 P&SL 1969, c. 88, §15, as amended by P&SL 1975,
25 c. 46, is further amended to read:

26 Sec. 15. Authorized to issue notes and bonds; to
27 borrow money. For accomplishing the purposes of this
28 Act, ~~said the~~ district, by resolution of its board of
29 trustees, ~~is hereby authorized to~~ may borrow money
30 temporarily and ~~to~~ issue therefor its negotiable
31 notes, in anticipation of bonds authorized by this
32 section. and for ~~For~~ the ~~purpose~~ purposes of ~~renewing~~
33 paying and refunding the indebtedness so created, of
34 paying any necessary expenses and liabilities in-
35 curred under the provision of this Act, including or-
36 ganizational and other necessary expenses and liabil-
37 ities, ~~and in~~ of acquiring properties, paying dam-
38 ages, laying sewers, drains and conduits, construct-
39 ing, maintaining and operating a sewage plant or sys-
40 tem, and making renewals, ~~extensions~~, additions, ex-

1 of \$1,000,000 in anticipation of receiving federal
2 grant funds to complete the design and undertake con-
3 struction of a major water pollution control project.
4 This clarification will ensure that the district is
5 able to borrow in anticipation of those grants and to
6 proceed with the project expediently without interrup-
7 tion of the federal funds already approved for the
8 project. Secondly, the bill makes clear that the
9 statement of purposes currently found in the first
10 sentence relates not only to temporary borrowing, but
11 also to permanent financing. In addition, the word
12 "paying" has been substituted for "refunding" and
13 other language added in order to conform the charter
14 more closely to the Revised Statutes, Title 38, sec-
15 tion 1201, subsection 1, governing the bonds, rates
16 and assessments of sanitary districts.

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