

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1738

7
8 H.P. 1231 House of Representatives, December 26, 1985
9 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

10 Received by the Clerk of the House on December 26, 1985. Referred to
11 the Committee on Utilities and 1,600 ordered printed pursuant to Joint Rule
14.

EDWIN H. PERT, Clerk

Presented by Representative Priest of Brunswick.

12 Cosponsored by Senator Clark of Cumberland, Representative Hayden of
Brunswick and Representative Rydell of Brunswick.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Amend the Charter of the Brunswick
19 Sewer District.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, Private and Special Laws of 1981, chap-
25 ter 103; amended and revised the Private and Special
26 Laws of 1947, chapter 77, incorporating Brunswick
27 Sewer District; and

28 Whereas, the Private and Special Laws of 1981,
29 chapter 103, section 31, subsection 4, as so revised
30 and amended provides as follows:

31 "Bonds, notes and other evidences of indebtedness
32 shall be issued in accordance with the procedures and
33 requirements of the Maine Revised Statutes, Title 38,
34 section 1201, unless otherwise specified in this
35 charter;" and

1 Whereas, in the Maine Revised Statutes, Title 38,
2 section 1201, is part of the Maine Revised Statutes,
3 Title 38, chapter 11, which regulates the formation
4 of sanitary districts under the general laws of the
5 State, and the Maine Revised Statutes, Title 38, sec-
6 tion 1201, sets forth the powers of sanitary dis-
7 tricts with respect to the issue of bonds and notes
8 and the procedures to be followed in authorizing the
9 same bonds and notes; and

10 Whereas, the Maine Revised Statutes, Title 38,
11 chapter 12, applies to sewer district created by pri-
12 vate and special laws of the State and contains no
13 provision comparable to the Maine Revised Statutes,
14 Title 38, section 1201, since the charters of sewer
15 districts created by private and special laws custom-
16 arily include provisions with respect to the power to
17 issue bonds and notes and the procedures to be fol-
18 lowed in authorizing the same bonds and notes; and

19 Whereas, the Private and Special Laws of 1981,
20 chapter 103, section 31, as so revised and amended,
21 does contain provisions with respect to the power to
22 issue bonds and notes of the district and the proce-
23 dures to be followed in authorizing the same bonds
24 and notes, which provisions in some instances are in-
25 consistent with the provisions contained in the Maine
26 Revised Statutes, Title 38, section 1201; and

27 Whereas, in the judgment of the Legislature,
28 these facts create an emergency within the meaning of
29 the Constitution of Maine and require the following
30 legislation as immediately necessary for the preser-
31 vation of the public peace, health and safety; now,
32 therefore,

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

35 P&SL 1981, c. 103, §31, sub-§4 is repealed.

36 Emergency clause. In view of the emergency cited
37 in the preamble, this Act shall take effect when ap-
38 proved.

1

STATEMENT OF FACT

2 Public Law 1981, chapter 103, requires that bonds
3 and other notes of indebtedness must be issued in ac-
4 cordance with the Maine Revised Statutes, Title 38,
5 section 1201. Certain provisions in the Maine Re-
6 vised Statutes, Title 38, section 1201, are incon-
7 sistent with and contrary to the provisions contained
8 in the Private and Special Laws of 1981, chapter 103,
9 section 31, of the revised charter. This bill de-
10 letes Public Law 1981, chapter 103, subsection 4, re-
11 quiring that the issuance of evidence of indebtedness
12 be in accordance with the procedures and requirements
13 of the Maine Revised Statutes, Title 38, section
14 1201.

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