

MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 2166

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(Filing No. S- 445)

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STATE OF MAINE

4

SENATE

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112TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 854, L.D. 2166, Bill, "AN ACT to Clarify the Authority of Municipalities to Raise and Appropriate Money for Financial Assistance to Water and Sewer Districts."

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Amend the bill in the emergency preamble by striking out all of the 3rd and 4th paragraphs (page 1, lines 31 to 36 and page 2 lines 1 to 6 in L.D.) and inserting in their place the following:

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'Whereas, municipalities have the power, pursuant to their home rule powers, to expend funds to provide financial assistance to a sewer district which is a quasi-municipal corporation for acquisition, construction, improvement, repair, maintenance and operation of a sewer system, including one or more municipalities; and

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Whereas, financial institutions that would loan funds to municipalities to provide financial assistance to such sewer districts desire further clarification with respect to the power of Maine municipalities to provide this financial assistance and to undertake the financial obligations entailed thereby; and'

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Further amend the bill in section 2 in subsection 6 in the last line (page 2, line 31 in L.D.) by inserting after the underlined word "municipality" the following: 'to the extent that the assisted district serves the municipality providing assistance'

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 854, L.D. 2166

1 STATEMENT OF FACT

2 The amendment retains the language of the bill
3 explicitly authorizing municipal financial assistance
4 to sewer districts, including districts within or
5 without the municipality.

6 Unless otherwise prohibited by law under their
7 home rule powers, Maine municipalities have broad au-
8 thority to spend municipal funds in furtherance of
9 any public purpose. Providing financial assistance
10 to a sewer district is not prohibited by law. The
11 Maine Revised Statutes, Title 30, which includes a
12 list of specifically authorized public purposes, does
13 not list sewer systems. Although the towns could
14 still proceed under their home rule authority, the
15 lending institutions wish to see specific authority
16 in the statute for a municipality to spend funds to
17 assist a sewer district. The amendment modifies the
18 emergency preamble to make those points clear.

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Reported by Sen. Webster for the Committee on Utilities.
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