

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1231, L.D. 1738)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 2256

8  
9 H.P. 1602

House of Representatives, March 24, 1986

10 Reported by Representative Baker from the Committee on Utilities and  
11 printed under Joint Rule 2. Original bill sponsored by Representative Priest of  
12 Brunswick. Cosponsored by Senator Clark of Cumberland, Representative  
Hayden of Brunswick and Representative Rydell of Brunswick.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

19 AN ACT to Amend the Charter of the Brunswick  
20 Sewer District.  
21

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

24 **Emergency preamble.** Whereas, Acts of the Legis-  
25 lature do not become effective until 90 days after  
26 adjournment unless enacted as emergencies; and

27 Whereas, the Private and Special Law of 1981,  
28 chapter 103; amended and revised the Private and Spe-  
29 cial Law of 1947, chapter 77, incorporating the  
30 Brunswick Sewer District; and

31 Whereas, the Private and Special Law of 1981,  
32 chapter 103, section 31, subsection 4, as revised and  
33 amended provides as follows:

1 "Bonds, notes and other evidences of indebtedness  
2 shall be issued in accordance with the procedures and  
3 requirements of the Maine Revised Statutes, Title 38,  
4 section 1201, unless otherwise specified in this  
5 charter;" and

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

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

24 Whereas, the Private and Special Law of 1981,  
25 chapter 103, section 31, as revised and amended, does  
26 contain provisions with respect to the power to issue  
27 bonds and notes of the district and the procedures to  
28 be followed in authorizing the same bonds and notes,  
29 which provisions in some instances are inconsistent  
30 with the provisions contained in the Maine Revised  
31 Statutes, Title 38, section 1201; and

32 Whereas, in the judgment of the Legislature,  
33 these facts create an emergency within the meaning of  
34 the Constitution of Maine and require the following  
35 legislation as immediately necessary for the preser-  
36 vation of the public peace, health and safety; now,  
37 therefore,

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

40 Sec. 1. P&SL 1981, c. 103, §31, sub-§4 is  
41 amended to read:

1           4. General requirements for issuance of bonds  
2 and notes. Bonds, notes and other evidences of in-  
3 debtedness shall be issued in accordance with the  
4 procedures and requirements of the Maine Revised  
5 Statutes, Title 38, section 1201, subsections 1 to 9,  
6 unless otherwise specified in this chapter. Authori-  
7 zation of bonds under the Maine Revised Statutes, Ti-  
8 tle 38, section 1201, subsection 1, shall not be sub-  
9 ject to the Maine Revised Statutes, Title 38, section  
10 1201, subsection 10, but shall instead be subject to  
11 subsection 5 of this section.

12           Sec. 2. P&SL 1981, c. 103, §31, sub-§5 is re-  
13 pealed and the following enacted in its place:

14           5. Public hearings and approval. In the event  
15 that the trustees vote to authorize bonds or notes,  
16 for any of the corporate purposes of a sanitary dis-  
17 trict, excluding notes payable within one year, notes  
18 in anticipation of bonds authorized pursuant to this  
19 section, notes in anticipation of the revenues to be  
20 collected or received in any year or notes in antici-  
21 ipation of the receipt of approved federal or state  
22 grants, the authorized amount of which, singly or in  
23 the aggregate included in any one financing, is  
24 \$150,000 or more, the trustees shall call a special  
25 district meeting for the purpose of collecting testi-  
26 mony from the public concerning the purpose and the  
27 amount of debt so authorized. Notice of the special  
28 district meeting stating the approximate amount of  
29 the debt and the purpose for which it is being issued  
30 shall be published not less than 7 full days prior to  
31 the date of the meeting in a newspaper having general  
32 circulation in the district and shall be mailed to  
33 each ratepayer in the district not later than the  
34 date of the publication. No debt may be incurred un-  
35 der the vote of the trustees until the expiration of  
36 7 full days following the date of the special dis-  
37 trict meeting.

38           Except for debt to fund that part of any project  
39 which has been approved for grant financing by the  
40 State Government or Federal Government to meet the  
41 requirements of the United States Clean Water Act,  
42 Public Law 92-500, and the United States Code, Title  
43 33, Section 1251, et seq., including any related fa-  
44 ilities not eligible for that financing, but essen-

