

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 194

H.P. 142

House of Representatives, February 15, 1989

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BEGLEY of Waldoboro.
Cosponsored by Senator HOLLOWAY of Lincoln.

STATE OF MAINE

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

An Act to Amend the Charter of the Waldoboro Sewer District.



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

5 Whereas, it is necessary that this legislation be enacted
as an emergency in order that the referendum concerning the debt
7 limit may be held in March 1989 and that the results of that
referendum will take effect immediately; and

9 Whereas, in the judgment of the Legislature, these facts
11 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
13 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

17 **Sec. 1.** P&SL 1963, c. 146, §14, 3rd ¶, 2nd to 6th sentences, are
19 repealed and the following enacted in their place:

21 Nomination papers shall be made available by the municipal clerk
23 to prospective candidates during the 40 days prior to the final
date of filing and, before issuance, the town clerk may complete
25 each sheet by filling in the name of the candidate, the title and
term of office which is being sought. Each voter who signs a
27 nomination paper shall add the candidate's place of residence
with the street and number, if any. The voter may subscribe only
29 to as many nomination papers for each office as there are
vacancies to be filled. All nomination papers shall be filed
31 with the clerk during business hours on or before the 35th day
next prior to the day of election. With the nomination papers,
33 there shall be filed the consent in writing of the persons
proposed therein as candidates, agreeing to accept the nomination
35 if nominated, not to withdraw and, if elected at the municipal
election, to qualify as the quasi-municipal officer. When filed,
37 the nomination papers shall be made available by the clerk to
public inspection under supervision. The clerk shall keep them
39 in the office for 6 months.

41 **Sec. 2.** P&SL 1963, c. 146, §17, first sentence, as amended by P&SL
1963, c. 216, §1, is further amended to read:

43 For accomplishing the purposes of this act Act, said the
45 district, by resolutions of its board of trustees, without
district vote, is hereby authorized to borrow money temporarily
47 and to issue therefor its negotiable notes, and for the purpose
of renewing and refunding the indebtedness so created, of paying
49 any necessary expenses and liabilities incurred under the
provisions of this act Act, including organizational and other
51 necessary expenses and liabilities incurred by the district or
the Town of Waldoboro, the district being authorized to reimburse
said the Town of Waldoboro for any such expense incurred or paid

1 by it, and in acquiring properties, paying damages, laying
3 sewers, drains and conduits, constructing, maintaining and
operating a sewage plant or system and making renewals,
5 additions, extensions and improvements to the same and to cover
interest payments during the period of construction, said the
7 Waldoboro Sewer District, by resolutions of its board of
trustees, without district vote, is also hereby authorized to
9 issue, from time to time, bonds, notes or other evidence of
indebtedness of the district in one series or in separate series,
11 in such amount or amounts, bearing interest at such rate or
rates, and having such terms and provisions as the trustees shall
13 determine; provided, however, that the total indebtedness of said
the district at any one time outstanding shall not exceed the sum
15 of \$250,000 \$1,000,000 and that any single expenditure which
exceeds \$100,000 must be approved by district vote.

17 **Sec. 3. Referendum; effective date.** Section 2 of this Act shall
be submitted to the legal voters of the Waldoboro Sewer District
19 at an election to be called and held for the purpose by December
31, 1989. The election shall be called by the municipal officers
21 and shall be held at the regular voting places. The election
shall be called, advertised and conducted according to the law
23 relating to municipal elections; except that the board of
registration shall not be required to prepare nor the town clerks
25 to post a new list of voters, and for this purpose the board of
registration shall be in session on the 3 working days next
27 preceding the elections, the first and 2nd days to be devoted to
registration of voters and the last day to enable the board to
29 verify the corrections of the lists and to complete and close
their records of the session. The town clerk shall reduce the
31 subject matter of section 2 of this Act to the following question:

33 "Shall the debt limit of the Waldoboro Sewer District be
increased to \$1,000,000 and a district vote required for any
35 single expenditure in excess of \$100,000?"

37 Section 2 of this Act shall take effect for all purposes
immediately upon its acceptance by a majority of the legal voters
39 voting at the election, but only if the total number of votes
cast for and against its acceptance exceeds 10% of the registered
41 voters of the district, but failure of approval shall not prevent
subsequent elections.

43 The results of the elections shall be declared by the
45 municipal officers of the town and due certificates of the
elections shall be filed by the town clerk with the Secretary of
47 State.

49 **Emergency clause.** In view of the emergency cited in the
preamble, this Act shall take effect when approved.

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STATEMENT OF FACT

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This bill clarifies the procedures regarding nomination papers under section 14 of the Waldoboro Sewer District charter.

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The bill also authorizes, subject to referendum, an increase in the limit on the districts indebtedness and a district vote for

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any single expenditure in excess of \$100,000.