

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 220

S.P. 135

In Senate, February 16, 1989

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DUTREMBLE of York.

Cosponsored by Representative LIBBY of Kennebunk and Representative SEAVEY of Kennebunkport.

STATE OF MAINE

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

An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$3,000,000 to \$8,000,000.

(EMERGENCY)



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

4 Whereas, this legislation requires referendum approval
5 before it can take effect; and
6

7 Whereas, this referendum is connected with the Kennebunk
8 town meeting to be held on March 20, 1989; and
9

10 Whereas, unless this Act is enacted before that date, the
11 referendum will require a special election which would be a
12 considerable financial burden on the Town of Kennebunk; and
13

14 Whereas, this Act must take effect as soon as possible; and
15

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

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

23 **Sec. 1. P&SL 1955, c. 69, §16, 3rd sentence, as amended by P&SL**
24 **1977, c. 91, is further amended to read:**

25 Said district, by resolution of its board of trustees, is for
26 said purposes or any of them also authorized to issue, from time
27 to time, notes, bonds or other evidence of indebtedness of the
28 district, maturing serially or otherwise, in an amount or
29 amounts, at such rates of interest, and on such terms and
30 conditions as the board of trustees shall determine; provided,
31 however, that the total indebtedness of said district, at any one
32 time outstanding, shall not exceed the sum of \$3,000,000, with
33 ~~the condition that the increase in the debt limit shall be used~~
34 ~~solely for the design, construction and administration of the~~
35 ~~interceptor sewers, force mains, pump stations and modifications~~
36 ~~to the district's wastewater treatment facilities in accordance~~
37 ~~with the requirements of the Maine Department of Environmental~~
38 ~~Protection and the United States Environmental Protection Agency~~
39 ~~\$8,000,000; and provided further, that indebtedness of the~~
40 ~~district shall not be deemed to be outstanding if funds adequate~~
41 ~~for the payment thereof together with any interest due thereon~~
42 ~~and premium payable on account thereof, shall have been deposited~~
43 ~~with the paying agent named in the notes or bonds evidencing such~~
44 ~~indebtedness in trust for the purpose of making such payment.~~
45 ~~Any change in the limitation on the expenditure of funds as~~
46 ~~provided in this section shall first be submitted to the~~
47
48
49

1 ~~residents of the district for their approval by referendum vote~~
before any change is made in the expenditure of funds.

3
5 **Sec. 2. Emergency clause; referendum; effective date.** In view of
7 the emergency cited in the preamble, this Act shall take effect
9 when approved, only for the purpose of permitting its submission
11 to the legal voters of the Town of Kennebunk, resident in the
13 district, at the next regular town meeting to be held on March
15 21, 1989 or at a special town meeting to be called and held for
17 the purpose within 3 months of the approval of this Act. This
19 special meeting shall be called, advertised and conducted
according to the law relating to municipal elections; provided,
however, that the selectmen of the town shall not be required to
prepare for posting, nor the town clerk to post, a new list of
voters and for the purpose of registration of voters the board of
voter registration shall be in session on the secular day next
preceding the special election. The town clerk of the town shall
prepare the required ballots, on which the town clerk shall
reduce the subject matter of this Act to the following question:

21 "Shall 'An Act to Increase the Total Authorized Indebtedness
23 of the Kennebunk Sewer District from \$3,000,000 to
\$8,000,000,' passed by the 114th Legislature, be accepted?"

25 The voters shall indicate by a cross or check mark placed
27 against the words "Yes" or "No," their opinion of the same. This
29 Act shall take effect immediately upon its acceptance by a
31 majority of the legal voters voting at the election; provided
that the total number of votes cast for and against the
acceptance of this Act equals or exceeds 20% of the total vote
for all candidates for Governor cast in the district at the last
gubernatorial election.

33
35 The result of the vote shall be declared by the municipal
37 officers of the Town of Kennebunk and due certificate thereof
shall be filed by the town clerk with the Secretary of State.

39 **STATEMENT OF FACT**

41 This bill increases the total authorized indebtedness of the
43 Kennebunk Sewer District, which serves Kennebunk and
Kennebunkport, from \$3,000,000 to \$8,000,000, subject to
referendum.