

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1479, L.D. 2091, Bill, "An Act to Revise the Charter of the Boothbay Harbor Sewer District"

Amend the bill by striking out everything after enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. P&SL 1961, c. 161, §17, 2nd sentence, as repealed and replaced by P&SL 1971, c. 54, §17, is amended to read:

The total indebtedness of said the district at any one time outstanding shall may not exceed the sum of \$1,500,000 \$5,500,000.

Sec. 2. P&SL 1961, c. 161, §17, 3rd sentence, as repealed and replaced by P&SL 1971, c. 54, §17, is amended to read:

In the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a sewage plant or system or part ~~thereof~~ of a sewage plant or system, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate is \$50,000 \$150,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt, the general purpose or purposes for which it was authorized and of the date of a special district meeting for the purpose of voters of the district voting ~~thereon~~ shall must be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Boothbay Harbor.

2 **Sec. 3. Emergency clause; referendum; effective date.** In view of
4 the emergency cited in the preamble, except as otherwise provided
6 in this section, sections 1 and 2 of this Act take effect when
8 approved only for the purpose of permitting their submission to
10 the legal voters of the Boothbay Harbor Sewer District, resident
12 in the district, at a district referendum to be called and held
14 for the purpose by May 1, 1992. The election must be called,
16 advertised and conducted according to the Maine Revised Statutes,
18 Title 30-A, section 2354; provided, however, that the municipal
20 officers of the town are not required to prepare for posting, nor
22 the town clerk to post, a new list of voters and, for the purpose
24 of registration of voters, the board of voter registration must
be in session on the secular day next preceding the special
election. The district shall prepare the required ballots, on
which the subject matter of section 1 of this Act must be reduced
to substantially the following question, referred to in this
section as "question A":

18 Question A.

20 "Shall the charter of the Boothbay Harbor Sewer District be
22 revised to increase the total debt limit of the district to
24 \$5,500,000?"

26 The subject matter of section 2 of this Act must be reduced
28 to substantially the following question, referred to in this
section as "question B":

28 Question B.

30 "Shall the charter of the Boothbay Harbor Sewer District be
32 revised to increase the borrowing limit of the trustees to
34 incur debt without voter participation to \$150,000?"

36 The voters shall indicate by a cross or check mark placed
38 against the word "Yes" or "No" their opinion of the same.
40 Section 1 of this Act takes effect immediately upon acceptance of
42 "question A" by a majority of the legal voters voting at the
44 election, except that if a vote is held in conformity with the
46 provisions of this section prior to the approval of this Act and
48 a majority of the legal voters voting at the election vote in
50 favor of "question A" then section 1 of this Act takes effect
upon approval of the Act. Section 2 of this Act takes effect
immediately upon acceptance of "question B" by a majority of the
legal voters voting at the election, except that if a vote is
held in conformity with the provisions of this section prior to
the approval of this Act and a majority of the legal voters
voting at the election vote in favor of "question B" then section
2 of this Act takes effect upon approval of the Act.

2 The result of the vote must be declared by the board of
trustees of the district and due certificate thereof must be
4 filed with the town clerk and with the Secretary of State.

6 **Sec. 4. Local referendum impact.** Notwithstanding the Maine
Revised Statutes, Title 30-A, section 5684, additional costs, if
any, imposed on any municipality by the provisions of this Act
8 providing for a local referendum are not funded by the State.'

10 **STATEMENT OF FACT**

12 This amendment strikes the language of the bill and replaces
14 it with language that makes the same substantive changes to the
Boothbay Harbor Sewer District as the bill proposed by:

16 1. Raising the debt limit of the district from \$1,500,000 to
18 \$5,500,000; and

20 2. Raising the limit on the amount of debt taken on for the
purposes of capital costs that may be authorized by the trustees
22 without voter approval. The limit is raised from \$50,000 to
\$150,000.

24 This amendment adds a referendum clause.

26 This amendment also adds a provision ensuring that the
28 referendum provision of this Act is not a municipal mandate
requiring state funding.

30
Reported by the Committee on Utilities
Reproduced and distributed under the direction of the Clerk of the
House
2/20/92 (Filing No. H-953)