

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2091

H.P. 1479

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 HEINO of Boothbay.

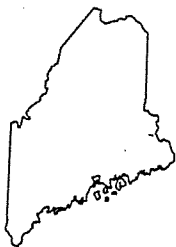
Cosponsored by Representative CLARK of Millinocket and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Revise the Charter of the Boothbay Harbor Sewer District.

(EMERGENCY)



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

4
6 Whereas, the Boothbay Harbor Sewer District is a
quasi-municipal corporation organized and existing under the laws
of the State; and

8
10 Whereas, the Boothbay Harbor Sewer District operates a
wastewater treatment facility in Boothbay Harbor; and

12 Whereas, the existing primary wastewater treatment facility
of the Boothbay Harbor District is not capable of complying with
14 state and federal wastewater discharge laws; and

16 Whereas, the Boothbay Harbor Sewer District has entered into
a consent agreement with the Department of Environmental
18 Protection that requires the district to take action to control
and abate discharges that exceed permissible limits; and

20
22 Whereas, it is anticipated that the Boothbay Harbor Sewer
District will need to construct a wastewater treatment facility
in order to comply with state and federal laws; and

24
26 Whereas, the anticipated costs for such construction exceed
the existing debt limit set forth in the charter of the Boothbay
Harbor Sewer District; and

28
30 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
32 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

36 **P&SL 1961, c. 161, §17, 2nd and 3rd sentences, as repealed and**
38 **replaced by P&SL 1971, c. 54, §17, are amended to read:**

40 The total indebtedness of said the district at any one time
outstanding shall may not exceed the sum of \$1,500,000
42 \$5,500,000. In the case of a vote by the trustees to authorize
bonds or notes to pay for the acquisition of property, for the
44 cost of a sewage plant or system or part thereof of a sewage
plant or system, for renewals or additions or for other
46 improvements in the nature of capital costs, the estimated cost
of which singly or in the aggregate is \$50,000 \$150,000 or more,
48 but not for renewing or refunding existing indebtedness or to pay
for maintenance, repairs or for current expenses, notice of the
50 proposed debt, the general purpose or purposes for which it was

2 authorized and of the date of a special district meeting for the
purpose of voters of the district voting ~~thereon~~ must be
4 given by the clerk by publication at least once in a newspaper
having a general circulation in the Town of Boothbay Harbor.

6 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
8

10
12 **STATEMENT OF FACT**

14 The Boothbay Harbor Sewer District charter contains
provisions that limit the total amount of outstanding debt of the
16 Boothbay Harbor Sewer District and allow for a special district
meeting to authorize borrowing to finance certain expenditures
and improvements in excess of \$50,000. These restrictions were
18 enacted over 20 years ago and have not been adjusted to account
for inflation or to reflect the increased capital costs
20 associated with state and federal requirements concerning
wastewater treatment. This bill increases the district's debt
22 limit to an amount that enables the district to borrow for a
wastewater treatment facility in order to comply with state and
24 federal wastewater discharge laws. It also gives the trustees
discretion to borrow for certain capital expenditures that do not
26 exceed \$150,000.