

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1220, L.D. 1639, Bill, "An Act to Enhance Assessment and Collection Powers of the Boothbay Harbor Sewer District"

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend the Boothbay Harbor Sewer District Charter'**

Further amend the bill by inserting before the emergency preamble the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in the emergency preamble by striking out all of the 2nd paragraph from the end before the enacting clause (page 1, lines 23 to 25 in L.D.)

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

**'Sec. 1. P&SL 1961, c. 161, §1 is amended to read:**

**Sec. 1. Territorial limits; incorporation.** The territory, and the inhabitants therein, of the Town of Boothbay Harbor in the County of Lincoln and the territory, and the inhabitants

**COMMITTEE AMENDMENT**

therein, of that part of the Town of Boothbay, in the County of Lincoln, which is bounded and described as follows: Beginning at a point in the middle of the intersection of Dover Road and State Route 27; thence easterly a distance of 2,000 feet, more or less, to a point; thence southwesterly a distance of 10,000 feet, more or less, to the Boothbay Harbor town line; thence westerly along the town line a distance of 6,000 feet, more or less, to a point; thence northerly a distance of 9,000 feet, more or less, to a point; thence easterly a distance of 5,200 feet, more or less, to the point of beginning, shall constitute a public sewerage district and a body politic and corporate under the name of "Boothbay Harbor Sewer District." The purpose of said this district, subject to the provisions of section 10 hereof, shall be is to take over, control, operate and manage the sewers now owned by the Town of Boothbay Harbor with all appurtenances thereto; to extend, increase, enlarge and improve said these sewers; to extend the present system or systems so as to furnish sewerage facilities to parts of the district not now served with such those facilities; to provide for removal and treatment of sewage when, as and if such that treatment becomes necessary; and generally to construct, maintain, operate and provide a system of sewerage, sewage disposal and sewage treatment for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

**Sec. 2. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Boothbay Harbor Sewer District, resident in the district, at a regular or special election to be called and held for the purpose by June 1, 1994. The referendum must be called, advertised and conducted according to the law related to municipal elections; provided, however, that the municipal officers of the Town of Boothbay Harbor are not 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 must be in session on the secular day next preceding the referendum. Notwithstanding the Maine Revised Statutes, Title 21-A, sections 752 and 753, at least 30 days prior to the referendum the town clerk shall furnish a reasonable number of dated absentee ballot applications and blank absentee ballots for use by members of the Armed Forces and citizens outside the United States who have met the qualifications of Title 21-A, section 751. The town clerk shall prepare the required ballots on which the subject matter of this Act must be reduced to substantially the following question:

"Do you favor revising the charter of the Boothbay Harbor Sewer District to expand the territory of the district to

include a portion of the Adams Pond watershed region of the Town of Boothbay?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act takes effect immediately upon acceptance by a majority of the legal voters voting at the referendum, 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 referendum vote in favor of this Act, this Act takes effect upon approval.

The result of the vote must be declared by the municipal officers of the Town of Boothbay Harbor and due certificate of the result must be filed by the town clerk with the Secretary of State.

### FISCAL NOTE

This bill requires the Boothbay Harbor Sewer District to hold a special referendum. The additional costs of this state mandate are likely to be relatively minor. Pursuant to the Mandate Preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.'

### STATEMENT OF FACT

This amendment makes the following changes to the bill:

1. Amends the title to better reflect the amended content of the bill;

2. Adds a mandate preamble to the bill and strikes section 4 of the bill dealing with local cost impacts;

3. Strikes section 2 of the bill that proposed to change the district's charter provision regarding liens for nonpayment of rates. Under this amendment, the existing charter provision remains in effect;

4. Amends the referendum clause to reflect amendments made to the rest of the bill and provides that the Town of Boothbay Harbor, not the district, holds the referendum in accordance with state law regarding municipal elections. A special provision is inserted regarding the preparation of absentee ballots in order to reduce delay in putting the Act to a vote; and

5. Adds a fiscal note to the bill.