

MAINE STATE LEGISLATURE

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L.D. 1664

DATE: 2/18/94

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UTILITIES

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

COMMITTEE AMENDMENT "A" to H.P. 1237, L.D. 1664, Bill, "An Act to Increase the Debt Limit for the Richmond Utilities District"

Amend the bill by inserting after the title and 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 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. 154, §14-A, as enacted by P&SL 1979, c. 39, §3, is amended by amending the first sentence to read:

For accomplishing the purpose of this Act, the district by vote of its board of trustees, without district vote except as hereinafter provided, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes; and for

COMMITTEE AMENDMENT

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2 the purpose of renewing and refunding the indebtedness so
 4 created, of paying any necessary expenses and liabilities
 6 incurred under the provisions of this Act, and in acquiring
 8 properties, paying damages, laying pipes, mains, sewers, drains
 10 and conduits, purchasing, constructing, maintaining and operating
 12 a water system and a sewerage system and making renewals,
 14 additions, extensions and improvements to such systems and to
 16 cover interest payments during any the period of construction,
 18 said the Richmond Utilities District, by votes of its board of
 20 trustees, without district vote except as hereinafter provided,
 22 is also hereby authorized to issue, from time to time, bonds,
 24 notes or other evidences of indebtedness of the district in such
 26 amount or amounts, bearing interest at such rate or rates, and
 28 having such terms and provisions as the trustees shall determine;
 30 provided except that the total indebtedness of the district shall
may not exceed the sum of \$1,500,000 \$3,000,000 at any one time
 outstanding and ~~provided,--further,--that~~ in the case of a vote by
 the trustees to authorize bonds or notes to pay for the
 acquisition of property, except for the original acquisition of
 property of Richmond Water Works, for the cost of a water system
 or sewerage system or part thereof of a water system or sewerage
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 included in any one financing is \$30,000 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 and of the general purpose or purposes for
 which it was authorized shall must be given by the clerk by
 publication at least once in a newspaper having a general
 circulation in the Town of Richmond.

32 **Sec. 2. Emergency clause; referendum; effective date.** In view of
 34 the emergency cited in the preamble, this Act takes effect when
 36 approved, except that the increase of the total
 38 indebtedness from \$1,500,000 to \$3,000,000 takes effect only for
 40 the purpose of permitting its submission to the legal voters of
 42 the Richmond Utilities District, resident in the district, at the
 44 next regular town or at a special town meeting to be called and
 46 held for the purpose by December 31, 1994. The election must be
 48 called, advertised and conducted according to the law related to
 municipal elections; provided, however, that the municipal
 officers of the town 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 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:

R. 013

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2 "Shall the charter that created the Richmond Utilities
District be amended to increase the total authorized
4 indebtedness of the district from \$1,500,000 to \$3,000,000?"

6 The voters shall indicate by a cross or check mark placed
against the word "Yes" or "No" their opinion of the same. This
8 Act takes effect immediately upon its acceptance by a majority of
the legal voters voting at the election.

10 The result of the vote must be declared by the municipal
officers of the Town of Richmond and due certificate thereof must
12 be filed by the town clerk with the Secretary of State.

14 **FISCAL NOTE**

16 This bill requires the Richmond Utilities District to hold a
18 certain public referendum. The additional costs of this state
mandate are likely to be relatively minor. Pursuant to the
20 mandate preamble, the 2/3 vote of all members elected to each
House exempts the State from the constitutional requirement to
22 fund 90% of the additional local costs.'

24 **STATEMENT OF FACT**

26 This amendment adds a mandate preamble and changes the
28 emergency clause to an emergency referendum. This amendment makes
technical corrections and adds a fiscal note to the bill.

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