

MAINE STATE LEGISLATURE

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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. 1268, L.D. 1695, Bill, "An Act to Amend the Waldoboro Utility District Charter"

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 1963, c. 146, §17, as amended by P&SL 1989, c. 2, §2, is further amended to read:

Sec. 17. Authorized to borrow money to issue bonds and notes. For accomplishing the purposes of this Act, the district, by resolutions of its board of trustees, without district vote, is hereby authorized to borrow money temporarily and to issue therefor for the money its negotiable notes, and for the purpose

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2 of renewing and refunding the indebtedness so created, of paying
any necessary expenses and liabilities incurred under the
provisions of this Act, including organizational and other
4 necessary expenses and liabilities incurred by the district or
the Town of Waldoboro, the district being authorized to reimburse
6 the Town of Waldoboro for any such expense incurred or paid by
it, and in acquiring properties, paying damages, laying sewers,
8 drains and conduits, constructing, maintaining and operating a
sewage plant or system and making renewals, additions, extensions
10 and improvements to the same and to cover interest payments
during the period of construction, ~~the Waldoboro Sewer District,~~
12 ~~by resolutions of its board of trustees, without district vote,~~
~~is also hereby authorized to issue, from time to time, bonds,~~
14 ~~notes or other evidence of indebtedness of the district in one~~
~~series or in separate series, in such amount or amounts, bearing~~
16 ~~interest at such rate or rates, and having such terms and~~
~~provisions as the trustees shall determine; provided, however,~~
18 ~~that the total indebtedness of the district at any one time~~
~~outstanding shall not exceed the sum of \$1,000,000 and that any~~
20 ~~single expenditure which exceeds \$100,000 must be approved by~~
~~district vote.~~ The district through its trustees may also issue,
22 from time to time, bonds, notes or other evidences of
indebtedness of the district in such amount or amounts bearing
24 interest at such rate or rates, selling at par or at a discount
or a premium and having such other terms and provisions as the
26 trustees determine; provided that the total indebtedness of the
district must not exceed 3% of the Town of Waldoboro's state
28 valuation; and provided that no vote of the district is required
before issuance of any debt, except that a single expenditure
30 that exceeds \$100,000 must be approved by district vote. Said
bonds, notes and evidences of indebtedness may be issued to
32 mature serially or made to run for such periods as the trustees
may determine, but ~~none of them shall~~ the bonds, notes and
34 evidences of indebtedness may not run for a longer period than 40
years from the date of original issue thereof of the bonds, notes
36 and evidences of indebtedness. Bonds, notes or evidences of
indebtedness may be issued with or without provision for calling
38 the same prior to maturity, and if callable may be made callable
at par or at such premium as the trustees may determine. All
40 bonds, notes or other evidences of indebtedness shall must have
inscribed upon their face the words "Waldoboro Sewer Utility
42 District", shall---be" are signed by the treasurer and
countersigned by the chairman chair of the board of trustees of
44 the district, and if coupon bonds are issued, the interest
coupons attached thereto shall to the coupon bonds must bear the
46 facsimile of the signature of the treasurer. All such bonds,
notes and evidences of indebtedness so issued by the district,
48 which is a quasi-municipal corporation, shall--be are legal
obligations of the district, ~~which is hereby declared to be a~~
50 ~~quasi-municipal corporation within the meaning of the Revised~~
~~Statutes of 1954, chapter 90-A, section 23, as enacted by the~~

~~public laws of 1957, chapter 405, section 1, as amended, and all provisions of said section shall be applicable thereto within the meaning of the Maine Revised Statutes, Title 30-A, section 5701.~~
2 The said district may, from time to time, issue in one series or
4 in separate series, its bonds, notes and other evidences of
6 indebtedness, for the purpose of paying, redeeming or refunding
8 outstanding bonds, notes or evidences of indebtedness, and each
10 authorized issue shall ~~constitute~~ constitutes a separate loan.
12 All bonds, notes and evidences of indebtedness issued by said
14 district shall ~~be~~ are legal investments for savings banks in the
16 State of Maine and shall ~~be~~ are tax exempt. The said district is
18 hereby authorized and empowered to enter into agreements with the
20 State or Federal Government, or any agency of either, or any
22 corporation, commission or board authorized by the State or
24 Federal Government to grant or loan money to or otherwise assist
26 in the financing of projects such as the district is authorized
28 to carry out, and to accept grants and borrow money from any such
30 government agency, corporation, commission or board as may be
32 necessary or desirable to enforce this act.

Sec. 2. P&SL 1963, c. 146, §28 is enacted to read:

Sec. 28. Authorized to acquire property and franchises of Waldoboro Water Company. The district, through its trustees, may acquire by purchase the entire plant, properties, franchises, rights and privileges owned by the Waldoboro Water Company, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district.

Sec. 3. 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 Waldoboro Utility District at an election to be called and held for the purpose by December 31, 1994. The election must be called by the municipal officers and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to the municipal elections; except that the board of registration is not required to prepare nor the town clerks to post a new list of voters, and for this purpose the board of registration must be in session on the 3 working days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of this Act to the following questions:

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2 Question A: "Do you favor amending the Waldoboro Utility
3 District charter by changing the debt limit of the district
4 from \$1,000,000 to 3% of the Town of Waldoboro's state
valuation?"

6 Question B: "Do you favor allowing the Waldoboro Utility
7 District to purchase the assets of the Waldoboro Water
8 Company?"

10 Section 1 of this Act takes effect for all purposes
11 immediately upon acceptance of Question A by a majority of the
12 legal voters voting at the election, but only if the total number
13 of votes cast for and against its acceptance exceeds 10% of the
14 registered voters of the district, but failure of approval does
15 not prevent subsequent elections held prior to December 31,
16 1994. Section 2 of this Act takes effect for all purposes
17 immediately upon acceptance of Question B by a majority of the
18 legal voters voting at the election, but only if the total number
19 of votes cast for and against its acceptance exceeds 10% of the
20 registered voters of the district, but failure of approval does
21 not prevent subsequent elections held prior to December 31, 1994.

22 The results of the elections must be declared by the
23 municipal officers of the town and due certificates of the
24 elections must be filed by the town clerk with the Secretary of
25 State.

28 **FISCAL NOTE**

30 This bill requires the Waldoboro Utility District to hold a
31 certain referendum by December 31, 1994. The additional costs of
32 this state mandate are likely to be relatively minor. Pursuant
33 to the mandate preamble, the two-thirds vote of all members
34 elected to each House exempts the State from the constitutional
35 requirement to fund 90% of the additional local costs.'

38 **STATEMENT OF FACT**

40 This amendment makes technical corrections to the bill. It
41 also adds a mandate preamble and a fiscal note.
42