

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1695

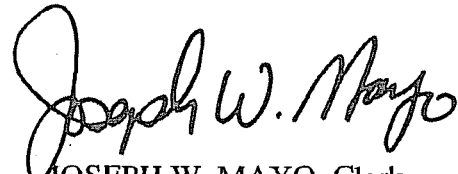
H.P. 1268

House of Representatives, January 11, 1994

An Act to Amend the Waldoboro Utility District Charter.

(EMERGENCY)

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.


JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.
Cosponsored by Senator BEGLEY of Lincoln.

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

4
Whereas, it has been determined that the Waldoboro Utility
6 District's borrowing capacity is inadequate to improve the
facility that services the Town of Waldoboro; and

8
Whereas, the Waldoboro Utility District must take action as
10 soon as possible to purchase the Waldoboro Water Company; and

12
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. P&SL 1963, c. 146, §17, as amended by P&SL 1989, c. 2,**
§2, is further amended to read:

22
Sec. 17. Authorized to borrow money to issue bonds and notes. For
24 accomplishing the purposes of this Act, the district, by
resolutions of its board of trustees, without district vote, is
26 hereby authorized to borrow money temporarily and to issue
therefor for the money its negotiable notes, and for the purpose
28 of renewing and refunding the indebtedness so created, of paying
any necessary expenses and liabilities incurred under the
30 provisions of this Act, including organizational and other
necessary expenses and liabilities incurred by the district or
32 the Town of Waldoboro, the district being authorized to reimburse
the Town of Waldoboro for any such expense incurred or paid by
34 it, and in acquiring properties, paying damages, laying sewers,
drains and conduits, constructing, maintaining and operating a
36 sewage plant or system and making renewals, additions, extensions
and improvements to the same and to cover interest payments
38 during the period of construction, ~~the Waldoboro Sewer District,~~
~~by resolutions of its board of trustees, without district vote,~~
40 ~~is also hereby authorized to issue, from time to time, bonds,~~
~~notes or other evidence of indebtedness of the district in one~~
42 ~~series or in separate series, in such amount or amounts, bearing~~
~~interest at such rate or rates, and having such terms and~~
44 ~~provisions as the trustees shall determine, provided, however,~~
~~that the total indebtedness of the district at any one time~~
46 ~~outstanding shall not exceed the sum of \$1,000,000 and that any~~
~~single expenditure which exceeds \$100,000 must be approved by~~
48 ~~district vote.~~ The district, through its trustees, without the
50 vote of its inhabitants, may also issue, from time to time, in
accordance with the Maine Revised Statutes, Title 35-A, chapter

2 63, bonds, notes or other evidences of indebtedness of the
4 district in such amount or amounts bearing interest at such rate
6 or rates, selling at par or at a discount or a premium and having
8 such other terms and provisions as the trustees determine;
10 provided that the total indebtedness of the district must not
12 exceed 3% of the Town of Waldoboro's state valuation. A single
14 expenditure that exceeds \$100,000 must be approved by district
16 vote. Loans running for one year or less do not require the
18 approval of the Public Utilities Commission. Said bonds, notes
20 and evidences of indebtedness may be issued to mature serially or
22 made to run for such periods as the trustees may determine, but
24 none-of-them-shall the bonds, notes and evidences of indebtedness
26 may not run for a longer period than 40 years from the date of
28 original issue thereof of the bonds, notes and evidences of
30 indebtedness. Bonds, notes or evidences of indebtedness may be
32 issued with or without provision for calling the same prior to
34 maturity, and if callable may be made callable at par or at such
36 premium as the trustees may determine. All bonds, notes or other
38 evidences of indebtedness shall must have inscribed upon their
40 face the words "Waldoboro Sewer Utility District", shall-be" are
42 signed by the treasurer and countersigned by the chairman chair
44 of the board of trustees of the district, and if coupon bonds are
46 issued, the interest coupons attached thereto shall to the coupon
48 bonds must bear the facsimile of the signature of the treasurer.
All such bonds, notes and evidences of indebtedness so issued by
the district shall--be are legal obligations of the district,
which is hereby--declared--to--be a 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, as defined in the Maine Revised Statutes,
Title 30-A, section 2351 and all provisions of said section shall
be are applicable thereto. The said district may, from time to
time, issue in one series or in separate series, its bonds, notes
and other evidences of indebtedness, for the purpose of paying,
redeeming or refunding outstanding bonds, notes or evidences of
indebtedness, and each authorized issue shall--constitute
constitutes a separate loan. All bonds, notes and evidences of
indebtedness issued by said district shall--be are legal
investments for savings banks in the State of Maine and shall-be
are tax exempt. The said district is hereby authorized and
empowered to enter into agreements with the State or Federal
Government, or any agency of either, or any corporation,
commission or board authorized by the State or Federal Government
to grant or loan money to or otherwise assist in the financing of
projects such as the district is authorized to carry out, and to
accept grants and borrow money from any such government agency,
corporation, commission or board as may be necessary or desirable
to enforce this act.

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

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

9 **Sec. 3. Emergency clause; referendum; effective date.** In view of
10 the emergency cited in the preamble, this Act takes effect when
11 approved only for the purpose of permitting its submission to the
12 legal voters of the Waldoboro Utility District at an election to
13 be called and held for the purpose by December 31, 1994. The
14 election must be called by the municipal officers and must be
15 held at the regular voting places. The election must be called,
16 advertised and conducted according to the law relating to the
17 municipal elections; except that the board of registration is not
18 required to prepare nor the town clerks to post a new list of
19 voters, and for this purpose the board of registration must be in
20 session on the 3 working days next preceding the elections, the
21 first and 2nd days to be devoted to registration of voters and
22 the last day to enable the board to verify the corrections of the
23 lists and to complete and close their records of the session.
24 The town clerk shall reduce the subject matter of this Act to the
25 following questions:

26 Question A: "Do you favor amending the Waldoboro Utility
27 District charter by limiting the debt limit of the district
28 to 3% of the Town of Waldoboro's state valuation?"

29 Question B: "Do you favor allowing the Waldoboro Utility
30 District to purchase the assets of the Waldoboro Water
31 Company?"

32 Section 1 of this Act takes effect for all purposes
33 immediately upon acceptance of Question A by a majority of the
34 legal voters voting at the election, but only if the total number
35 of votes cast for and against its acceptance exceeds 10% of the
36 registered voters of the district, but failure of approval does
37 not prevent subsequent elections. Section 2 of this Act takes
38 effect for all purposes immediately upon acceptance of Question B
39 by a majority of the legal voters voting at the election, but
40 only if the total number of votes cast for and against its
41 acceptance exceeds 10% of the registered voters of the district,
42 but failure of approval does not prevent subsequent elections.
43

44 The results of the elections must be declared by the
45 municipal officers of the town and due certificates of the
46 elections must be filed by the town clerk with the Secretary of
47 State.
48

2
4
6
8
10
12
14
16

STATEMENT OF FACT

This bill amends the Waldoboro Utility District charter by removing the debt limit of the charter and by adding a section that will allow the district to purchase the Waldoboro Water Company.

This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.