

MAINE STATE LEGISLATURE

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R d S.

L.D. 694

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UTILITIES AND ENERGY

Reported by: Senator CARPENTER of York for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 256, L.D. 694, Bill, "An Act to Create the Franklin Utility District"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 17 in L.D.) and inserting in its place 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.

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

Whereas, a portion of the Town of Franklin is in immediate need of a water supply system to provide potable water to the inhabitants of that portion of the Town of Franklin; and

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

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 256, L.D. 694

2 Further amend the bill in section 1 by striking out all of
the last 8 lines (page 2, lines 10 to 17 in L.D.) and inserting
4 in their place the following: ' "Franklin Utility District,"
referred to in this Act as the "district." The district is
6 created and established for the purposes of supplying the Town of
Franklin, its inhabitants and others of the district with potable
8 water and sewage treatment and disposal services.'

10 Further amend the bill in section 2 by striking out all of
the first paragraph (page 2, lines 19 to 33 in L.D.) and
12 inserting in its place the following:

14 'Sec. 2. Powers of Franklin Utility District. The district, for
the purposes of its incorporation, may take water from any source
16 within the Town of Franklin. It may also, for the purposes of
its incorporation, locate, construct and maintain pipes, dams,
18 wells, reservoirs, pumping stations, treatment facilities and
other necessary structures and equipment. The district may do
20 anything necessary for those purposes to furnish water and
provide sewage treatment and disposal services for the public
22 health, comfort and convenience of the inhabitants and others of
the district. The district may also contract to do any and all
24 of the foregoing things.

26 All incidental powers, rights and privileges necessary to
the accomplishment of the objectives set forth in this Act are
28 granted to the district.'

30 Further amend the bill in section 6 in the 2nd line (page 4,
line 11 in L.D.) by inserting after the following: "**procedure.**"
32 the following: 'Notwithstanding the Maine Revised Statutes,
Title 35-A, chapters 65 and 67, the district may exercise the
34 right of eminent domain under this Act in accordance with this
section and section 5 of this Act.'

36 Further amend the bill in section 8 in subsection 1 in the
38 3rd line (page 5, line 14 in L.D.) by inserting after the
following: "5 trustees." the following: 'One trustee serves for
40 a term of one year, 2 trustees serve for a term of 2 years and 2
trustees serve for a term of 3 years. At the first meeting, the
42 initial trustees shall determine by agreement or, failing
agreement, by lot the term of office of each trustee.'

44 Further amend the bill by striking out all of section 13
46 (page 7, lines 31 and 32 in L.D.).

48 Further amend the bill by striking out all of sections 16
and 17 and inserting in their place the following:

50

COMMITTEE AMENDMENT

2 **Sec. 16. Emergency clause; referendum; effective date.** In view
4 of the emergency cited in the preamble, this Act takes effect
6 when approved but only for the purpose of permitting its
8 submission to the legal voters of the district at an election
10 called for that purpose and held not later than December 1,
12 1995. The election must be called, advertised and conducted
14 according to the law related to municipal elections, except that
the registrar of voters is not required to prepare or the clerk
to post a new list of voters. The registrar of voters must be in
session the 3 secular days preceding the election, of which the
first 2 days must be devoted to registration of the voters and
the last day to verification of the list and completion of the
records of these sessions by the registrar. The subject matter
of this Act is reduced to the following question.

16 "Do you favor the creation of the Franklin Utility District?"

18 The voters shall indicate by a cross or check mark placed
20 against the words "Yes" or "No" their opinion of the same.

22 The results must be declared by the municipal officers of
24 the Town of Franklin and due certificate of the results filed by
the clerk with the Secretary of State.

26 This Act takes effect for all purposes upon its acceptance
28 by a majority of the legal voters within the district voting at
the special election. Failure of the approval by the necessary
majority of voters at the election does not prevent a subsequent
election or elections from being held for that purpose.'

30 Further amend the bill by striking out all of the emergency
32 clause.

34 Further amend the bill by relettering or renumbering any
36 nonconsecutive Part letter or section number to read
consecutively.

38 Further amend the bill by inserting at the end before the
40 statement of fact the following:

42 **FISCAL NOTE**

44 This bill requires the municipalities of the proposed
46 Franklin Utility District to hold a public referendum. The
additional costs of this state mandate are likely to be
relatively minor. Pursuant to the Mandate Preamble, the
two-thirds vote of all members elected to each House exempts the

COMMITTEE AMENDMENT "A" to S.P. 256, L.D. 694

2 State from the constitutional requirement to fund 90% of the
additional local costs.

4 The Public Utilities Commission will incur some minor
6 additional costs to approve the filing of tariffs for the
Franklin Utility District. These costs can be absorbed within
8 the commission's existing budgeted resources.'

10 **STATEMENT OF FACT**

12 This amendment makes the following changes to the bill:

14 1. The emergency preamble is revised to clarify the
16 emergency need for the bill;

18 2. A mandate preamble is added;

20 3. Several sections of the bill are revised to clarify
their meaning;

22 4. A reference to tax-exempt status for the Franklin
24 Utility District is removed. The district, if created, will have
tax-exempt status according to the Maine Revised Statutes, Title
26 36, section 651;

28 5. Technical changes are made to the referendum clause;

30 6. An obsolete reference to repealed state law on local
fiscal impacts is removed; and

32 7. A fiscal note is added to the bill.