

MAINE STATE LEGISLATURE

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REV

L.D. 1447

DATE: June 14, 1995

(Filing No. S- 267)

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. 530, L.D. 1447, Bill, "An Act to Create the Hebron Village Water District"

Amend the bill by striking out all of the mandate preamble and the emergency preamble (page 1, lines 1 to 24 in L.D.)

Further amend the bill in section 1 in the 9th to 13th lines from the end (page 1, lines 49 and 50 and page 2, lines 1 to 3 in L.D.) by striking out the following: "thence a distance of .86 miles, more or less, in a westerly direction along the center line of said transmission line right of way to a point; thence southwesterly along the center line of said right of way, a distance of 1.2 miles, more or less, to the point of beginning" and inserting in its place the following: 'thence along the center line of said transmission line right of way .86 miles, more or less, in a westerly direction and then, continuing along the center line of the transmission line right of way, 1.2 miles, more or less, in a southwesterly direction to the point of beginning'

Further amend the bill in section 2 in the last indented paragraph in the last 2 lines (page 2, lines 40 and 41 in L.D.) by striking out the following: "unless the Hebron Water Company consents in writing to the provision of the service"

Further amend the bill in section 3 in the next to last line (page 3, line 7 in L.D.) by striking out the following: "necessary" and inserting in its place the following: 'unnecessary'

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2 Further amend the bill in section 6 in the 2nd indented
paragraph in the last 2 lines (page 4, lines 3 and 4 in L.D.) by
4 striking out the following: "by this section or by subsequent
act of the Legislature or as provided in section 5 or 13" and
6 inserting in its place the following: 'by subsequent act of the
Legislature'

8 Further amend the bill in section 12 in the first indented
10 paragraph in the 2nd sentence in the 3rd line (page 6, line 35 in
L.D.) by striking out the following: "chapter 63,"

12 Further amend the bill in section 12 by inserting after the
14 first paragraph the following:

'Except as otherwise provided in this paragraph but
16 notwithstanding any other provision of law, in the event that the
trustees vote to authorize bonds or notes that, singly or in the
18 aggregate in any one financing, exceed \$300,000, the debt may not
be incurred until approved by a majority of the legal voters
20 within the district voting in a special election. The special
election must be called by the trustees within 30 days after
22 their vote to authorize the issuance of the bonds or notes. The
election must be called in the same manner as elections of
24 trustees are called, pursuant to section 9, subsection 4 of this
Act, except that the election is not required to be held on the
26 same day as the annual municipal election. The requirements of
this paragraph do not apply to bonds or notes issued for purposes
28 of renewing or refinancing existing indebtedness of the district.'

30 Further amend the bill in section 13 in the 3rd line (page
7, line 22 in L.D.) by inserting after the following:
32 "conveyance" the following: 'or lease'

34 Further amend the bill in section 14 in the last line (page
7, line 44 in L.D.) by striking out the following: ", chapter 61"

36 Further amend the bill by striking out all of sections 17
38 and 18 and inserting in their place the following:

40 '**Sec. 17. Referendum; effective date.** This Act takes effect 90
42 days after the adjournment of the First Regular Session of the
117th Legislature but only for the purposes of permitting its
44 submission to the legal voters within the district at an election
called for that purpose and held by December 31, 1996. Nothing
46 in this section requires an election to be held. If an election
is held, the election must be called, advertised and conducted
according to the law relating to municipal elections, except that
48 the registrar of voters is not required to prepare or the clerk
to post a new list of voters. For the purpose of

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2 registering voters, the registrar of voters must be in session
the secular day preceding the election. The subject matter of
4 this Act is reduced to the following question:

6 "Do you favor creating the Hebron Village Water District?"

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

10 The results must be declared by the municipal officers of
the Town of Hebron and the due certificate of the results filed
12 by the clerk with the Secretary of State.

14 This Act takes effect for all purposes immediately upon its
acceptance by a majority of the legal voters within the district
16 voting at the special election. Failure of the approval by the
necessary majority of voters at any such election does not
18 prevent a subsequent election or elections from being held for
that purpose, provided the elections are held no later than
20 December 31, 1996.'

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

24 **FISCAL NOTE**

26 The Public Utilities Commission will incur some minor
28 additional costs to hold required hearings. These costs can be
absorbed within the commission's existing budgeted resources.'

30 **STATEMENT OF FACT**

32 This amendment makes technical corrections to the bill,
34 removes the emergency preamble and the mandate preamble and
strikes a section of the bill that would have voided the bill had
36 certain events not occurred. This amendment clarifies that while
the bill is subject to approval in a local referendum in the
38 district and does not take effect unless approved in a
referendum, the bill does not require that a referendum be held.

40 This amendment adds a provision requiring a district vote
42 whenever the trustees of the Hebron Village Water District
propose to incur indebtedness in excess of \$300,000. Except for
44 debt incurred pursuant to state or federal mandates, the district
will also be bound by the Maine Revised Statutes, Title 35-A,
46 section 6304, which requires a district vote on debt of \$150,000
or more, adjusted relative to 1981, whenever a petition is filed
48 by voters of the district.

50 This amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT