

MAINE STATE LEGISLATURE

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L.D. 1620

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UTILITIES AND ENERGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1181, L.D. 1620, Bill, "An Act to Amend the Charter of the East Boothbay Water District"

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 1959, c. 132, §1, as amended by P&SL 1961, c. 37, §1, is further amended to read:

Sec. 1. Territorial limits; name; purposes. The territory comprising that part of the Town of Boothbay bounded and described as follows, to-wit: Commencing on the boundary line between Boothbay and Boothbay Harbor at a distance westerly along said line of 2,000 feet from the center line of the Beath Road, thence continuing in a northerly direction to the intersection of the Beath Road with the road passing by the Country Club, which intersection is known as Houlton's Corner, thence continuing ~~further in a northerly direction to the intersection of the River Road and Route 27, thence continuing in a northeasterly direction along the center line of the River Road to the north line of the Town of Boothbay, thence continuing in an easterly direction along the north line of the Town of Boothbay to the boundary line between Boothbay and Bristol~~ in a northeasterly direction along the center line of Butler Road to the intersection of Butler Road with Pleasant Cove Road and Pension Ridge Road, thence continuing in a northerly direction along the center line of Pension Ridge Road to the intersection of Pension Ridge Road with Ambleside Road, thence continuing in a northeasterly direction along the center line of Ambleside Road to the end of Ambleside Road, thence continuing in a straight line further in a northeasterly direction through Pleasant Cove to the southwest point in the

COMMITTEE AMENDMENT

2 angle of the boundary line between Boothbay and Bristol at the
3 end of Pleasant Cove, thence continuing in a generally southerly,
4 westerly, northerly and westerly direction along the boundary
5 line of Boothbay and Bristol and Boothbay and Boothbay Harbor to
6 the point of beginning, and being all of the southeast portion of
7 Boothbay, including Linekin Neck and the village of East Boothbay
8 and the inhabitants of said towns within that area, are hereby
9 created a body politic and corporate under the name of "East
10 Boothbay Water District" for the purposes of supplying
11 inhabitants and others in the district, said towns and the
12 inhabitants of Boothbay Harbor located on both sides of Route 96
13 who live easterly of the cemetery and within 500 feet of said
14 Route 96 with pure water for domestic, sanitary, commercial,
15 industrial, agricultural and municipal purposes. All incidental
16 rights, powers and privileges, necessary to the accomplishment of
17 the main objects herein set forth, are hereby granted to the said
18 East Boothbay Water District.

20 **Sec. 2. P&SL 1959, c. 132, §6, 3rd and 4th ¶¶** are amended to read:

21 As soon as convenient after their appointment, the first
22 board of trustees shall hold a meeting at some convenient place
23 in the district, to be called by any member thereof of the board
24 in writing, designating the time and place and delivered in hand
25 to the other 4 members, not less than 2 full days before the
26 meeting. They may meet by agreement without such notice. They
27 shall then organize by electing from their own number a chairman
28 chair and a clerk and, not necessarily from their own number, a
29 treasurer. They shall adopt a corporate seal and may adopt
30 by-laws and perform any other acts within the powers delegated to
31 them by law. Following the appointment of the new trustees at
32 each annual meeting of said district, the trustees shall elect
33 from their own number a chairman chair and a clerk and, not
34 necessarily from their own number, a treasurer, ~~whose salary~~
35 ~~shall not exceed \$200,~~ to serve until the next annual meeting of
36 said district and until their respective successors are elected
37 and qualified. The trustees shall fix the salary of the
38 treasurer but, if the treasurer is also a trustee, the
39 compensation for any duties performed as treasurer must be in
40 accordance with the Maine Revised Statutes, Title 35-A, section
41 6303.

42
43 The trustees from time to time may choose and employ and fix
44 the compensation of any other necessary officers and agents, who
45 shall serve at their pleasure. The treasurer shall furnish bond
46 in such sum and with such sureties as the trustees shall approve,
47 the cost thereof of the bond to be paid by the district. Members
48 of the board of trustees shall ~~be~~ are eligible ~~to~~ for any office
under the board. The trustees, ~~as such, shall receive as are~~

2 entitled to compensation for--their--services--an--amount--to--be
3 determined-by-them-not-to-exceed-\$50-each-per-year-in-accordance
4 with-the-Maine-Revised-Statutes, Title 35-A, section 6303.

6 **Sec. 3. P&SL 1959, c. 132, §11, first ¶**, as amended by P&SL 1961,
7 c. 234, is further amended to read:

8 For accomplishing the purposes of this act, and for such
9 other expenses as may be necessary for the carrying out of said
10 purposes, said the district, through its trustees, is authorized
11 to borrow money temporarily and to issue therefore its negotiable
12 notes; and for the purpose of renewing and refunding the
13 indebtedness so created, of paying any necessary expenses and
14 liabilities incurred under the provisions of this act, including
15 organizational and other necessary expenses and liabilities
16 whether incurred by the district or the Town of Boothbay, the
17 district being authorized to reimburse said the town for any such
18 expenses incurred by it, and in acquiring properties, paying
19 damages, laying pipes, mains, aqueducts and conduits,
20 constructing, maintaining and operating a water plant or system
21 and making renewals, additions, extensions and improvements to
22 the same, and to cover interest payments during the period of
23 construction, said the district, through its trustees, is also
24 authorized to issue, from time to time, bonds, notes or other
25 evidences of indebtedness of the district in one series, or in
26 separate series, in such amount or amounts, bearing interest at
27 such rate or rates, and having such terms and provisions as the
28 trustees shall determine; provided, however, that the total
29 indebtedness of the said district shall may not exceed the sum of
30 \$475,000 at any one time outstanding, unless the district has
31 obtained approval of a higher debt limit in accordance with this
32 section; but bonds, notes or other evidences of indebtedness of
33 the district which that have matured or otherwise become payable
34 and for the payment of which adequate funds have been provided by
35 depositing such funds with a paying or disbursing agent named in
36 such bonds, notes or other evidences of indebtedness in trust for
37 such purpose shall may not be considered to be outstanding.

38 Prior to issuing any debt on behalf of the district in an
39 amount exceeding \$475,000, or any other amount approved by the
40 voters pursuant to this section, the trustees shall propose a new
41 debt limit for the district, which they must submit for approval
42 in a districtwide referendum. The referendum must be called,
43 advertised and conducted according to the law relating to
44 municipal elections, except that the registrar of voters is not
45 required to prepare or the town clerk to post a new list of
46 voters. The registrar of voters must be in session on the
47 secular day next preceding the election. The town clerk of the
48

town shall prepare the required ballots with the following question:

"Do you favor changing the debt limit of the East Boothbay Water District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

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

A debt limit proposal becomes effective immediately upon its acceptance by a majority of the legal voters within the district voting at the election. Failure of approval by the necessary majority of voters at the referendum does not prevent subsequent referenda from being held for the same purpose. The district may increase its debt limit to any amount and as often as approved by the legal voters within the district pursuant to this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

STATEMENT OF FACT

This amendment replaces the bill. The amendment decreases the territory of the East Boothbay Water District. The amendment also removes from the district charter the ceiling on the salary that may be paid to the treasurer of the district, and instead permits the trustees to fix the treasurer's salary. The amendment also removes the ceiling on trustees' compensation, and replaces it with reference to the Maine Revised Statutes, Title 35-A, section 6303.

The amendment permits the trustees of the district to incur debt on behalf of the district in an amount exceeding the current debt limit by submitting a proposed new debt limit for approval in a local referendum, and specifies procedures for conducting such a referendum.