

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1995

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Legislative Document

No. 1620

H.P. 1181

House of Representatives, December 11, 1995

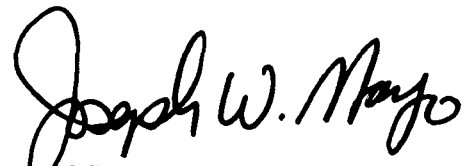
**An Act to Amend the Charter of the East Boothbay Water District.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Received by the Clerk of the House on December 7, 1995. Referred to the Committee on  
Utilities and Energy and ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HEINO of Boothbay.  
Cosponsored by Representative: KONTOS of Windham, Senator: BEGLEY of Lincoln.

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

4           Whereas, the East Boothbay Water District needs to upgrade  
6 the main power panel, the controls and a 3-phase power line; and

8           Whereas, the present borrowing capacity of the district is  
not large enough to finance the project; and

10           Whereas, it is essential that the work be completed as soon  
12 as possible in order to provide water service to the inhabitants  
of the district and to protect the present expenditures; and

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

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

22           **Sec. 1. P&SL 1959, c. 132, §6, 3rd and 4th ¶¶** are amended to read:

24           As soon as convenient after their appointment, the first  
26 board of trustees shall hold a meeting at some convenient place  
in the district, to be called by any member ~~thereof of the board~~  
28 in writing, designating the time and place and delivered in hand  
to the other 4 members, not less than 2 full days before the  
30 meeting. They may meet by agreement without such notice. They  
shall then organize by electing from their own number a ~~chairman~~  
32 chair and a clerk and, not necessarily from their own number, a  
treasurer. They shall adopt a corporate seal and may adopt  
34 by-laws and perform any other acts within the powers delegated to  
them by law. Following the appointment of the new trustees at  
36 each annual meeting of said district, the trustees shall elect  
from their own number a ~~chairman~~ chair and a clerk and, not  
38 necessarily from their own number, a treasurer, whose salary  
~~shall may~~ not exceed \$200 \$500, to serve until the next annual  
40 meeting of said district and until their respective successors  
are elected and qualified.

42           The trustees from time to time may choose and employ and fix  
44 the compensation of any other necessary officers and agents, who  
~~shall~~ serve at their pleasure. The treasurer shall furnish bond  
46 in such sum and with such sureties as the trustees ~~shall~~ approve,  
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

2 under the board. The trustees, ~~as such, shall receive as~~ are  
3 entitled to compensation for their services in an amount to be  
4 determined by them not to exceed \$50 \$200 each per year.

6 **Sec. 2. 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 district, through its trustees, is authorized to  
11 borrow money temporarily and to issue therefor 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 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 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~~ \$900,000 at any one time outstanding; but bonds, notes  
31 or other evidences of indebtedness of the district ~~which~~ that  
32 have matured or otherwise become payable and for the payment of  
33 which adequate funds have been provided by depositing such funds  
34 with a paying or disbursing agent named in such bonds, notes or  
35 other evidences of indebtedness in trust for such purpose ~~shall~~  
36 may not be considered to be outstanding.

38 **Sec. 3. Emergency clause; referendum; effective date.** In view of  
39 the emergency cited in the preamble, this Act takes effect when  
40 approved only for the purpose of permitting its submission to the  
41 legal voters of the East Boothbay Water District at a special or  
42 regular town meeting or election held prior to December 31,  
43 1996. The election must be called, advertised and conducted  
44 according to the law relating to municipal elections, except that  
45 the registrar of voters is not required to prepare or the town  
46 clerk to post a new list of voters. The registrar of voters must  
47 be in session on the secular day next preceding the election.  
48 The town clerk shall prepare the required ballots on which the  
49 town clerk shall reduce the subject matter of this Act to the  
50 following question:

2 "Do you favor increasing the debt limit of the East Boothbay  
Water District from \$475,000 to \$900,000 and increasing the  
4 compensation of the treasurer from \$200 to \$500 and  
compensation for the trustees from \$50 to \$200?"

6

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

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

14 This Act takes effect immediately upon its acceptance by a  
majority of the legal voters voting at the election.

16

18

### STATEMENT OF FACT

20

This bill increases the debt limit of the East Boothbay  
Water District from \$475,000 to \$900,000. The bill also  
22 increases the salaries of the trustees from \$50 to \$200 and the  
treasurer's salary from \$200 to \$500.