

MAINE STATE LEGISLATURE

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R. of S.

L.D. 935

DATE: 4-9-97

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 683, L.D. 935, Bill, "An Act to Increase the Debt Limit of the Waldoboro Utility District"

Amend the bill by inserting after the title and before the enacting clause 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, the Waldoboro Utility District needs immediately to increase its debt limit to finance the costs of replacing its existing wastewater treatment plant; 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,'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

COMMITTEE AMENDMENT

2 **Sec. 3. Emergency clause; referendum; effective date.** In view of
4 the emergency cited in the preamble, this Act takes effect when
6 approved, except that section 2 of this Act takes effect only for
8 the purpose of permitting its submission to the legal voters
10 within the Waldoboro Utility District at an election to be called
12 and held for that purpose by December 31, 1998. The election
14 must be called by the municipal officers of the Town of Waldoboro
16 and must be held at the regular voting places. The election must
18 be called, advertised and conducted according to the law relating
 to municipal elections; except that the board of registration is
 not required to prepare nor the town clerk to post a new list of
 voters. The board of registration must be in session on the 3
 working days next preceding the election, the first and 2nd days
 to be devoted to registration of voters and the last day to
 enable the board to verify the corrections of the lists and to
 complete and close their records of the session. The town clerk
 shall reduce the subject matter of section 2 of this Act to the
 following question:

20 "Do you favor amending the Waldoboro Utility District
22 charter by changing the debt limit of the district from
24 \$1,000,000 to \$2,000,000 and removing the requirement that
 any single expenditure in excess of \$100,000 be approved by
 district vote?"

26 Section 2 of this Act takes effect for all purposes
28 immediately upon acceptance by a majority of the legal voters at
30 the election, but only if the total number of votes cast for and
32 against its acceptance exceeds 10% of the registered voters of
 the district, but failure of approval does not prevent subsequent
 elections held prior to December 31, 1998.

34 The results of the election must be declared by the
36 municipal officers of the town and due certificate of the
 election must be filed by the town clerk with the Secretary of
 State.'

38 Further amend the bill by inserting before the summary the
40 following:

42 **FISCAL NOTE**

44 This bill requires the Waldoboro Utility District to hold a
46 public election. The additional costs of this state mandate are
48 relatively minor. Pursuant to the Mandate Preamble, the 2/3 vote
 of all members elected to each House exempts the State from the
 constitutional requirement to fund 90% of the additional local
 costs.'

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SUMMARY

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This amendment does the following:

1. It adds a mandate preamble to the bill;
2. It adds an emergency preamble to the bill;
3. It modifies the referendum clause to add an emergency clause and to modify the question to more accurately reflect the changes to the Waldoboro Utility District charter that are made by the bill; and
4. It adds a fiscal note to the bill.