

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1997

Legislative Document

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H.P. 1382

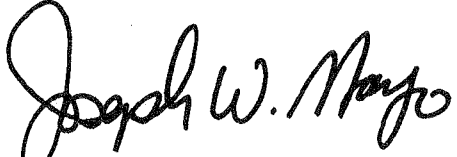
House of Representatives, December 12, 1997

**An Act to Restore the Requirement That Certain Expenditures of the
Waldoboro Utility District Be Approved by District Vote.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 10, 1997. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

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 Waldoboro Utility District needs immediately to
6 increase its debt limit to finance the costs of replacing its
existing wastewater treatment plant; and

8 Whereas, that part of P&SL 1989, chapter 2, section 2 that
10 pertains to any expenditure that exceeds \$100,000 must be
approved by district vote was inadvertently removed by P&SL 1997,
12 chapter 18; and

14 Whereas, the vote by the district is being delayed until the
language is reinstated in the charter; and

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

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

24 **Sec. 1.** P&SL 1997, c. 18, §2 is repealed and the following
26 enacted in its place:

28 **Sec. 2.** P&SL 1963, c. 146, §17, as amended by P&SL 1963, c. 216,
§1; P&SL 1987, c. 98, §2 and P&SL 1989, c. 2, §2, is repealed and
30 the following enacted in its place:

32 17. Authorized to borrow money to issue bonds and notes.
For accomplishing the purposes of this Act, the district, by
34 resolutions of its board of trustees, without district vote, is
authorized to borrow money temporarily and to issue for the money
36 its negotiable notes, and for the purpose of renewing and
refunding the indebtedness so created, of paying any necessary
38 expenses and liabilities incurred under the provisions of this
Act, including organizational and other necessary expenses and
40 liabilities incurred by the district or the Town of Waldoboro,
the district being authorized to reimburse the Town of Waldoboro
42 for any such expense incurred or paid by the town, and in
acquiring properties, paying damages, laying sewers, drains and
44 conduits, constructing, maintaining and operating a sewage plant
or system and making renewals, additions, extensions and
46 improvements to them, and to cover interest payments during the
period of construction, the Waldoboro Utility District, by
48 resolutions of its board of trustees, without district vote, is
also authorized to issue from time to time, bonds, notes or other
50 evidences of indebtedness of the district in one series or in
separate series, in such amount or amounts, bearing interest at
52 such rate or rates, and having such terms and provisions as the
trustees shall determine; except that the total indebtedness of
54 the district at any one time outstanding may not exceed the sum

2 of \$2,000,000 and that any single expenditure that exceeds
3 \$100,000 must be approved by district vote. The bonds, notes and
4 evidences of indebtedness may be issued to mature serially or
5 made to run for such periods as the trustees may determine, but
6 the bonds, notes and evidences of indebtedness may not run for a
7 longer period than 40 years from the date of original issue of
8 the bonds, notes and evidences of indebtedness. Bonds, notes or
9 evidences of indebtedness may be issued with or without provision
10 for calling them prior to maturity and, if callable, may be made
11 callable at par or at such premium as the trustees may
12 determine. All bonds, notes and evidences of indebtedness must
13 have inscribed upon their face the words "Waldoboro Utility
14 District," and be signed by the treasurer and countersigned by
15 the chair of the board of trustees of the district and, if coupon
16 bonds are issued, the interest coupons attached to the coupon
17 bonds must bear the facsimile of the signature of the treasurer.
18 All bonds, notes and evidences of indebtedness issued by the
19 district are legal obligations of the district, which is a
20 quasi-municipal corporation as defined in the Maine Revised
21 Statutes, Title 30-A, section 2351, and all provisions of that
22 section are applicable. The district may issue in one series or
23 in separate series, its bonds, notes and evidences of
24 indebtedness, for the purpose of paying, redeeming or refunding
25 outstanding bonds, notes or evidences of indebtedness, and each
26 authorized issue constitutes a separate loan. All bonds, notes
27 and evidences of indebtedness issued by the district are legal
28 investments for savings banks in the State and are tax-exempt.
29 The district is authorized and empowered to enter into agreements
30 with the State or Federal Government, or any agency of either, or
31 any corporation, commission or board authorized by the State or
32 Federal Government to grant or loan money to or otherwise assist
33 in the financing of projects such as the district is authorized
34 to carry out and to accept grants and borrow money from any
35 government agency, corporation, commission or board as may be
36 necessary or desirable to enforce this Act.

37
38 **Sec. 2. P&SL 1997, c. 18, §3** is amended by amending the
39 question to read:

40 "Do you favor amending the Waldoboro Utility District
41 charter by changing the debt limit of the district from
42 \$1,000,000 to \$2,000,000 and ~~removing the requirement that~~
43 ~~any single expenditure in excess of \$100,000 be approved by~~
44 ~~district vote?"~~

45 **Emergency clause.** In view of the emergency cited in the
46 preamble, this Act takes effect when approved.
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SUMMARY

This bill restores language to the Waldoboro Utility District charter that requires any single expenditure in excess of \$100,000 be approved by district vote. This language was removed by P&SL 1997, chapter 18.