

MAINE STATE LEGISLATURE

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L.D. 1957

DATE: *March 11, 1998*

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UTILITIES AND ENERGY

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 709, L.D. 1957, Bill, "An Act to Amend the Charter of the Sanford Sewerage District"

Amend the bill by striking out all of section 1 (page 1, lines 3 and 4 in L.D.) and inserting in its place the following:

'Sec. 1. P&SL 1947, c. 169, §6, last ¶, as amended by PL 1977, c. 90, §9, is repealed.'

Further amend the bill in section 2 in section 6-B in the first line (page 1, line 20 in L.D.) by striking out the following: "ordinances" and inserting in its place the following: 'pretreatment rules'

Further amend the bill in section 2 in section 6-B in the first and 2nd lines (page 1, lines 20 and 21 in L.D.) by striking out the following: "such one or more ordinances" and inserting in its place the following: 'rules and regulations'

Further amend the bill in section 2 in the 3rd paragraph from the end in the first line (page 2, line 2 in L.D.) by striking out the following: "ordinance" and inserting in its place the following: 'rule or regulation'

Further amend the bill in section 2 in the 3rd paragraph from the end in the 2nd line (page 2, line 3 in L.D.) by striking out the following: "ordinance" and inserting in its place the following: 'rule or regulation'

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2 Further amend the bill in section 2 by striking out the last
2 paragraphs (page 2, lines 10 to 33 in L.D.) and inserting in
4 their place the following:

6 'To the extent authorized under state or federal law,
8 including the Maine Revised Statutes, Title 38, section 1252, the
10 district may pursue civil or criminal remedies or injunctive
12 relief against anyone violating provisions of any rule or
14 regulation adopted pursuant to this section.

16 Rules or regulations adopted by the district must be adopted
18 by the trustees in accordance with applicable laws, including the
20 Maine Administrative Procedure Act.'

22 Further amend the bill in section 3 in the last line (page
2, line 43 in L.D.) by inserting after the following:
18 "\$4,000,000" the following: ', unless a higher debt limit is
20 established pursuant to section 10-A'

22 Further amend the bill in section 4 in the last line (page
3, line 5 in L.D.) by inserting after the following:
24 "\$4,000,000" the following: ', unless a higher debt limit is
26 established pursuant to section 10-A'

28 Further amend the bill by inserting after section 4 the
following:

30 'Sec. 5. P&SL 1947, c. 169, section 10-A is enacted to read:

32 Sec. 10-A. Increases in the debt limit. The trustees of
34 the district may propose a debt limit for the district and submit
36 the proposal for approval in a district-wide referendum. The
38 referendum must be called, advertised and conducted according to
40 the law relating to municipal elections, except the registrar of
42 voters is not required to prepare nor the clerk to post a new
44 list of voters. For the purpose of registering voters, the
46 registrar of voters must be in session on the regular work day
48 preceding the election. The question presented must conform to
50 the following form:

42 "Do you favor changing the debt limit of the Sanford
44 Sewerage District from (insert current debt limit) to
46 (insert proposed debt limit)?"

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

52 The results must be declared by the trustees and entered
54 upon the district's records. Due certificate of the results must

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be filed by the clerk with the Secretary of State.

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A debt limit proposed by the trustees pursuant to this section becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

If a debt limit is established and approved by referendum pursuant to this section, the total indebtedness of the district at any one time outstanding may not exceed the total amount so established.

Sec. 6. Referendum not required. The provisions of this Act are not subject to referendum approval before becoming effective.'

SUMMARY

This amendment does the following:

1. Makes a technical change in order to repeal only that portion of the Sanford Sewerage District's Charter that relates to rule-making authority; other sections of the bill reenact those provisions in a different location within the charter;
2. Changes references in the bill to "ordinances" to "rule or regulation";
3. Deletes provisions providing for special penalties; penalties under existing laws are applicable;
4. Adds a provision allowing the district to establish new debt limits by referendum;
5. Makes it clear that notwithstanding certain ambiguous provisions of law, this charter change is not subject to further referendum approval.