

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2335

H.P. 1666

House of Representatives, December 29, 1999

An Act to Revise the Charter of the Madawaska Water District.

(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 27, 1999. Referred to the Committee on Utilities and Energy pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator: PARADIS of Aroostook.

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 charter of the Madawaska Water District makes
6 reference to a repealed section of law; and

8 Whereas, the charter makes reference to the Madawaska Water
District conducting referendum elections to increase the
10 district's debt limit; and

12 Whereas, the Madawaska Water District operates under a town
meeting form of government; and

14 Whereas, in order to allow the Madawaska Water District to
16 operate under its governing structure, it is necessary to amend
the charter; and

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

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

26 **Sec. 1. P&SL 1953, c. 17, §11, first ¶,** as amended by P&SL 1995, c.
28 75, §1, is further amended to read:

30 For accomplishing the purposes of this act and for such
other expenses as may be necessary for the carrying out of said
32 purposes, said district, through its trustees, subject to the
provisions of the Maine Revised Statutes, Title 35-A, section
34 6304 6310, is authorized to issue its notes and bonds in one
series or in separate series from time to time and to make
36 subsequent renewals of the same in whole or in part to an amount
not exceeding the sum of \$1,500,000 outstanding at any one time,
38 unless the district obtains approval of the voters of the
district for a higher debt limit pursuant to this section. Said
40 notes and bonds are the legal obligation of said district, which
is hereby declared to be a quasi-municipal corporation within the
42 meaning of the Maine Revised Statutes, Title 30-A, section 5701,
as amended, and all provisions of said section are applicable to
44 those notes and bonds. The notes and bonds are a legal
investment for savings banks in the State of Maine, and are
46 exempt from all present taxes. ~~The said district may refund and
reissue, subject to the provisions of the Maine Revised Statutes,
48 Title 35-A, section 6304, from time to time, any of its notes and
bonds and other evidence of indebtedness.~~ Each bond or note must
50 have inscribed on its face the words "Madawaska

Water District Bond," or "Madawaska Water District Note," as the case may be, and bears interest at such rates as the trustees determine. The district, by vote of its trustees, may refund and reissue, from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness and each authorized issue constitutes a separate loan. Each loan is payable in annual amounts of principal, beginning not more than one year from its date and runs for such period as said trustees determine.

Sec. 2. P&SL 1953, c. 17, §11, 2nd and 5th ¶¶, as enacted by P&SL 1995, c. 75, §2, are amended to read:

In order to establish a higher debt limit for the district, the trustees shall propose a new debt limit for the district, which the trustees shall submit for approval in at a districtwide referendum meeting of the district. The referendum district meeting must be called, advertised and conducted according to the law relating to municipal elections, except section 7 of this Act. If the proposed increase in the district's debt limit is approved at the district meeting, the district shall, within 10 days of the approval, mail notice of the approval to each of the district's ratepayers and publish a notice once in a newspaper of general circulation within the district. If within 30 days of the mailing or publication, whichever is later, not less than 10% of the ratepayers of the district file a petition with the district requesting the question to be submitted to the voters of the district for approval in a referendum election, then the trustees shall submit the question for approval in a districtwide referendum. The referendum must be called, advertised and conducted by the Town of Madawaska according to the Maine Revised Statutes, Title 30-A, section 2528, except that the district is responsible for calling and holding the public hearing prior to the election and that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The town clerk of the Town of Madawaska shall prepare the required ballots with the following question:

A debt limit proposal becomes effective immediately upon expiration of the 30-day time period described in this section, unless a petition is timely filed, in which case the 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 or as often as approved by the legal voters within the district pursuant to this section.

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

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SUMMARY

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8 This bill revises the charter of the Madawaska Water
District to delete references to a section of the Maine Revised
Statutes, Title 35-A that has been repealed and clarifies the
10 procedures under which the district may establish a higher debt
limit and issue its notes and bonds.

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