

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2207

H.P. 1719

House of Representatives, April 1, 2002

**An Act to Amend the Charter of the Winterport Water District.**

(EMERGENCY)

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Reported by Representative SAVAGE for the Joint Standing Committee on Utilities and Energy pursuant to Joint Order 2001, H. P. 1708.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

4  
6 **Whereas,** the Winterport Water District urgently needs to  
increase its borrowing capacity to meet the needs of the  
district; and

8  
10 **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  
12 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

16 **PART A**

18 **Sec. A-1. P&SL 1969, c. 94, §14, first ¶,** as amended by P&SL 1983,  
20 c. 31, §1, is further amended to read:

22 **Sec. 14. Authority to borrow money.** For accomplishing the  
purposes of this Act, the water district, through its trustees,  
24 without vote of the inhabitants, is authorized to borrow money  
temporarily and to issue therefor the negotiable notes of the  
26 district, for the purpose of refunding the indebtedness so  
created, for paying any necessary expenses and liabilities  
28 incurred under the provisions of this Act, including the expenses  
incurred in the creation of a district, in acquiring the  
30 properties and franchises of the Winterport Water Company by  
purchase or otherwise, of assuming and paying all mortgages,  
32 liens and encumbrances thereon as provided in sections 10 and 11,  
of securing sources of supply, taking water and land, paying  
34 damages, laying pipes, constructing, maintaining and operating a  
water plant and making renewals, extensions, additions and  
36 improvements to the same, and protecting the watershed, to an  
amount or amounts necessary in the judgment of the trustees  
38 therefor, provided the total indebtedness shall may not exceed  
the sum of ~~\$800,000~~ \$1,200,000 at any one time outstanding.

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42 **PART B**

44 **Sec. B-1. P&SL 1969, c. 94, §14,** as amended by P&SL 1983, c. 31,  
§1, is further amended by adding at the end the following new  
46 paragraphs to read:

48 Notwithstanding the limitations on total indebtedness  
established in this section, the trustees may propose a new debt

2 limit for the district, which the trustees shall submit for  
3 approval in a districtwide referendum. The referendum must be  
4 called, advertised and conducted by the Town of Winterport  
5 according to the Maine Revised Statutes, Title 30-A, section  
6 2528, except that the district is responsible for calling and  
7 holding the public hearing prior to the election and the  
8 registrar of voters is not required to prepare or the town clerk  
9 to post a new list of voters. For the purpose of registering  
10 voters, the registrar of voters must be in session on the regular  
11 workday preceding the election. The town clerk of the Town of  
12 Winterport shall prepare the required ballots with the following  
13 question:

14 "Do you favor changing the debt limit of the Winterport  
15 Water District from (insert current debt limit) to (insert  
16 proposed debt limit)?"

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

19 The results must be declared by the municipal officers of  
20 the Town of Winterport and due certificate of the results filed  
21 by the town clerk with the Secretary of State.

22 A debt limit proposal becomes effective immediately upon its  
23 acceptance by a majority of the legal voters within the district  
24 voting at the election. Failure of approval by the necessary  
25 majority of voters at the referendum does not prevent subsequent  
26 referenda from being held for the same purpose. The costs of  
27 referenda conducted under this section are borne by the  
28 district. The total indebtedness of the district at any one time  
29 outstanding may not exceed the sum approved by referendum.

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## PART C

37 **Sec. C-1. Emergency clause; referendum.** In view of the  
38 emergency cited in the preamble, this Act takes effect when  
39 approved, except that Part A of this Act takes effect when  
40 approved only for the purpose of permitting its submission to the  
41 legal voters within the Winterport Water District at a special or  
42 regular town meeting or election held prior to January 1, 2003.  
43 The election must be called, advertised and conducted according  
44 to the law relating to municipal elections, except that the  
45 registrar of voters is not required to prepare or the town clerk  
46 to post a new list of voters. The registrar of voters must be in  
47 session on the secular day next preceding the election. The town  
48 clerk shall prepare the required ballots, on which the town clerk  
49 shall reduce the subject matter Part A of this Act to the  
50 following question:

2 "Do you favor increasing the debt limit of the Winterport  
Water District from \$800,000 to \$1,200,000?"

4

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

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

12 Part A of this Act takes effect immediately upon its  
acceptance by a majority of the legal voters voting at the  
14 election. Failure to achieve the necessary approval in any  
referendum does not prevent subsequent referenda consistent with  
16 this section as long as the referenda are held prior to January  
1, 2003.

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### SUMMARY

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This bill, which is reported out by the Joint Standing  
Committee on Utilities and Energy pursuant to Joint Order 2001,  
24 HP 1708, does the following:

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1. It increases the debt limit of the Winterport Water  
District to \$1,200,000, subject to approval in a local referendum.

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2. It permits the district to increase its debt limit in  
30 the future through a referendum process.