

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 499

H.P. 374

House of Representatives, February 1, 2005

**An Act To Amend the Charter of the Boothbay Harbor Sewer
District**

(EMERGENCY)

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BISHOP of Boothbay.
Cosponsored by Senator DOW of Lincoln.

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 Boothbay Harbor Sewer District is a
6 quasi-municipal corporation organized and existing under the laws
of the State; and

8 Whereas, certain residences and businesses in the Town of
10 Boothbay have private, on-site sewage disposal systems that are
inadequate; and

12 Whereas, the Town of Boothbay and the Boothbay Harbor Sewer
14 District believe it is in their best interests to extend the
territory of the Boothbay Harbor Sewer District to serve the Town
16 of Boothbay; and

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

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

26 **Sec. 1. P&SL 1961, c. 161, §1,** as amended by P&SL 1993, c. 59,
§1, is further amended to read:

28 **Sec. 1. Territorial limits; incorporation.** The territory, and the
30 inhabitants therein, of the Town of Boothbay Harbor in the County
of Lincoln and the territory, and the inhabitants therein, of
32 that part of the Town of Boothbay, in the County of Lincoln,
~~which is bounded and described as follows:--Beginning at a point~~
34 ~~in the middle of the intersection of Dover Road and State Route~~
~~27; thence easterly a distance of 2,000 feet, more or less, to a~~
36 ~~point; thence southwesterly a distance of 10,000 feet, more or~~
~~less, to the Boothbay Harbor town line; thence westerly along the~~
38 ~~town line a distance of 6,000 feet, more or less, to a point;~~
~~thence northerly a distance of 9,000 feet, more or less, to a~~
40 ~~point; thence easterly a distance of 5,200 feet, more or less, to~~
the point of beginning, constitute a public sewerage district and
42 a body politic and corporate under the name of "Boothbay Harbor
Sewer District." The purpose of this district, subject to the
44 provisions of section 10, is to take over, control, operate and
manage the sewers now owned by the Town of Boothbay Harbor with
46 all appurtenances thereto; to extend, increase, enlarge and
improve these sewers; to extend the present system or systems so
48 as to furnish sewerage facilities to parts of the district not
now served with those facilities; to provide for removal and
50 treatment of sewage when, as and if that treatment

2 becomes necessary; and generally to construct, maintain, operate
3 and provide a system of sewerage, sewage disposal and sewage
4 treatment for public purposes and for the health, welfare,
5 comfort and convenience of the inhabitants of the district.

6 **Sec. 2. P&SL 1961, c. 161, §17, 2nd sentence,** as amended by P&SL
7 1991, c. 81, §1, is further amended to read:

8
9 The total indebtedness of the district at any one time
10 outstanding may not exceed the sum of ~~\$5,500,000~~ \$8,500,000.

11 **Sec. 3. Emergency clause; referendum; effective date.** In view of
12 the emergency cited in the preamble, this Act takes effect when
13 approved only for the purpose of permitting its submission to the
14 voters of the Town of Boothbay Harbor and the Town of Boothbay at
15 an election to be called and held for that purpose by December
16 31, 2005. The election must be called, advertised and conducted
17 according to the law relating to municipal elections, except that
18 the registrar of voters is not required to prepare or the clerk
19 to post a new list of voters. For the purpose of registration of
20 voters, the registrar of voters must be in session the secular
21 day preceding the election. The subject matter of this Act is
22 reduced to the following questions. Question A, which is to be
23 submitted to the voters of the Town of Boothbay Harbor and the
24 Town of Boothbay, must read as follows:

25
26 Question A: "Do you favor extending the territory of the
27 Boothbay Harbor Sewer District to include all of the territory of
28 the Town of Boothbay?"

29
30 Question B, which is to be submitted to the voters within the
31 Boothbay Harbor Sewer District, must read as follows:

32
33 Question B: "Do you favor amending the Boothbay Harbor
34 Sewer District charter by increasing the debt limit of the
35 district from \$5,500,000 to \$8,500,000?"

36
37 Section 1 of this Act takes effect for all purposes
38 immediately upon acceptance of Question A by a majority of the
39 voters of the Town of Boothbay Harbor and a majority of the
40 voters of the Town of Boothbay. Failure to achieve the necessary
41 approval does not prevent subsequent elections held prior to
42 December 31, 2006. Section 2 of this Act takes effect for all
43 purposes immediately upon acceptance of Question B by a majority
44 of the voters of the Boothbay Harbor Sewer District voting at the
45 election. Failure to achieve the necessary approval does not
46 prevent subsequent elections held prior to December 31, 2006.

47
48 The results of the elections must be declared by the
49 municipal officers of the towns and due certificates of the
50

elections must be filed by the town clerks with the Secretary of
State.

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SUMMARY

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This bill extends the territory of the Boothbay Harbor Sewer
District to include all of the territory of the Town of
Boothbay. The bill also increases the debt limit of the Boothbay
Harbor Sewer District from \$5,500,000 to \$8,500,000.

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