

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1519

S. P. 563

In Senate, May 3, 1955

Received by unanimous consent and referred to the Committee on Public Utilities. Sent down for concurrence and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

Presented by Senator Farris of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Charter of the Gardiner Water District.

Emergency preamble. Whereas, the charter of the Gardiner Water District, being chapter 82 of the private and special laws of 1903 as amended by chapter 89 of the private and special laws of 1905, limits to \$10,000 the amount which the district, through its trustees, may borrow during any one fiscal year to provide funds for making renewals, extensions, additions or improvements to its plant; and

Whereas, there is a substantial number of inhabitants of the district who will be without water supply and adequate fire protection until such time as the water system of the district is extended along the Brunswick Road from the district's standpipe on Iron Mine Hill to Libby Hill; and

Whereas, it is imperative that action be taken at the earliest possible moment to relieve this situation; and

Whereas, the funds required to make such extension will exceed the borrowing power hereinbefore mentioned; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1903, c. 82, § 2, amended. Section 2 of chapter 82 of the private and special laws of 1903 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'Provided, however, nothing herein contained shall be construed as authorizing said water district to take by right of eminent domain any of the property or

facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein, or by subsequent act of the legislature.'

Sec. 2. P. & S. L., 1903, c. 82, § 4, amended. Section 4 of chapter 82 of the private and special laws of 1903 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the Public Utilities Commission upon petition by the district shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility or as prescribed by the Public Utilities Commission, but at the expense of the district.'

Sec. 3. P. & S. L., 1903, c. 82, § 5, amended. Section 5 of chapter 82 of the private and special laws of 1903 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'The said trustees shall, on or before March 1st of each year, make and file with the municipal officers of the city of Gardiner a report of their doings as trustees of said water district and a statement of the receipts and disbursements of said water district during the year ending December 31st next preceding, and this shall be deemed the fiscal year of said water district.'

Sec. 4. P. & S. L., 1903, c. 82, § 9, repealed and replaced. Section 9 of chapter of the private and special laws of 1903 is hereby repealed and the following enacted in place thereof:

'Sec. 9. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investment for savings banks. For accomplishing the purposes of this act, said district, through its trustees, is authorized to borrow money from time to time, and to issue therefor the interest-bearing negotiable notes of the district, maturing serially or otherwise, and to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any notes, bonds or other lawful indebtedness to establish a fund therefor. For the purpose of obtaining or providing money to pay or to meet any necessary expenses and liabilities under the provisions of this act, including expenses in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making extensions, additions and improvements to the same, the said district, through its trustees, may from time to time issue bonds of the district to an amount necessary in the judgment of the trustee therefor, maturing and payable at such time or times, in uniform or varying installments, with or without such call provisions, and with or without such a premium or premiums, as said trustees shall determine. Said notes and bonds shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of sections 136 and 137 of chapter 53 of the Revised Statutes of 1954. The said notes and bonds shall be legal investments for savings banks.'

All bonds or notes issued by said district shall bear the district seal and shall be signed by the treasurer and countersigned by the president of the board of trustees of said district and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer.'

Sec. 5. P. & S. L., 1905, c. 89, repealed. Chapter 89 of the private and special laws of 1905 is hereby repealed.

Emergency clause; effective date; referendum. In view of the emergency recited in the preamble hereof, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters within said district, at any regular or special election called and held for the purpose, by the municipal officers of the city of Gardiner, to be held at the voting places in each ward in said city; the date of holding said election to be determined by said municipal officers. Such special election shall be held not later than 4 months after the effective date of this act, and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare nor the city clerk to post a new list of voters, and for the purpose of registration of voters, said board shall be in session 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act amending the charter of the Gardiner Water District be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against acceptance of this act equals or exceeds 20% of the total vote cast for all candidates for Governor in said district at the next previous gubernatorial election. The result of the vote in said district shall be determined by the city council of the city of Gardiner and due certificate thereof filed by the city clerk with the Secretary of State.