

MAINE STATE LEGISLATURE

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Legislative Document

No. 561

S. P. 216

In Senate, February 7, 1957.

Referred to the Committee on Public Utilities, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Sinclair of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of the Pittsfield Utilities District.

Emergency preamble. Whereas, the existing water and sewage and drainage systems of the Town of Pittsfield are inadequate for the needs of the inhabitants of said town; and

Whereas, such inadequacy is injurious to the health and safety of the inhabitants of said town; and

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

Whereas, by Chapter 129 of the Private and Special Laws of 1955, the 97th Legislature incorporated the Pittsfield Utilities District for the purposes of remedying such conditions; and

Whereas, the following amendments to the charter granted to said Pittsfield Utilities District by the 97th Legislature are immediately necessary to procure the early acceptance of said charter and to enable the district to take steps to remedy such conditions during the construction season next ensuing; and

Whereas, acts of the Legislature do not take effect until 90 days after adjournment thereof; 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., 1955, c. 129, § 14, amended. The first 4 sentences of section 14 of chapter 129 of the private and special laws of 1955 are hereby repealed and the following sentences enacted in place thereof :

'All the affairs of said district shall be managed by a board of 5 commissioners resident therein, who shall be appointed by the selectmen of the Town of Pittsfield and the planning board of said town. In making such appointments, each member of said respective boards shall have one vote and a majority of the joint membership shall be sufficient for appointment. In the first appointment of commissioners hereunder, one shall be selected for the term of 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. At the expiration of the term of each member, a new member of the board shall be appointed by said boards in manner aforesaid for a term of 5 years. In case of a vacancy arising from death or other cause, said boards, acting as aforesaid, may appoint a new member to fill out the unexpired term.'

Sec. 2. P. & S. L., 1955, c. 129, § 15, amended. The 1st sentence of section 15 of chapter 129 of the private and special laws of 1955 is hereby amended to read as follows :

'For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, including but without limiting the generality of the foregoing grant the expenses incurred in the creation of the district, in reimbursing the town for outstanding water and sewer liabilities assumed by the district, in securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating water, sewerage and drainage systems, and making extensions, additions and improvements to the same, including water filtration and purification plants and sewage disposal plants, said district, through its commissioners, without district vote, is authorized to borrow money temporarily, and to issue therefor the interest bearing negotiable notes of the district, and for the purpose of refunding the indebtedness so created or paying any necessary expenses and liabilities incurred under the provisions of this act, to issue its notes and bonds in 1 series or in separate series from time to time and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of ~~\$1,000,000~~ \$750,000 outstanding at any one time. **Provided, however, that the commissioners shall not have authority to issue notes or bonds of the district, which by themselves or together with outstanding notes and bonds of the district, shall at any one time exceed the sum of \$250,000, unless authorized thereto by vote of the voters of said district at a meeting thereof called therefor by the commissioners. Such meeting or meetings shall be called by the commissioners in the same manner as is provided for the calling of elections by the municipal officers in the provisions for the referendum hereinafter contained in this charter, as amended.'**

Sec. 3. P. & S. L., 1955, c. 129, Referendum, amended. The referendum at the end of chapter 129 of the private and special laws of 1955 is hereby amended to read as follows :

'Referendum for district; meeting, how called; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the

Legislature, only for the purpose of permitting its submission to the legal voters of the district, voting at an election specially called and held for the purpose by the municipal officers of the town of Pittsfield, to be held at the voting places in said town at the time hereinafter specified, the date of said election to be determined by the municipal officers, but the first such election to be not later than the annual meeting of the town of Pittsfield in the year ~~1956~~ **1958**. The board of registration of the town of Pittsfield shall prepare and furnish separate check lists for such of the voters within said district as are then legal voters of said town of Pittsfield and reside therein, and all notices, warrants or other proceedings shall be varied accordingly so as to show that only such voters as reside in said district aforesaid are entitled to vote at such elections. Check lists shall be used at elections held for the adoption of this act, whether the same be at a special meeting of the voters of said district or at an annual meeting of the town of Pittsfield. Such special election, whether or not the same be on the date of an annual town meeting of the town of Pittsfield, shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, the board of registration shall not be required to prepare nor the town clerk to post a new list of voters; and for this purpose said board of registration shall be in session on the 3 secular days next preceding said election, the 1st and 2nd days thereof to be devoted to registration of voters and the last day to enable the board to verify the correction of said lists and to complete and close up its records of said session. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Pittsfield Utilities 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; but only if the total number of votes cast for and against the acceptance of this act at said special election equals or exceeds 20% of the total number of names on the check list of voters of said district provided for herein; but failure of approval of this charter by the necessary percentage of voters at such election or otherwise shall not prevent a 2nd election held at any annual town meeting of the town of Pittsfield held on or before the 1st day of April, ~~1957~~ **1959**.

The result of such elections shall be declared by the municipal officers of the town of Pittsfield and due certificates thereof filed by the town clerk with the Secretary of State.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.