

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

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J.S. McCarthy Company
Augusta, Maine
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CHAPTER 61

H.P. 1257 - L.D. 1684

An Act to Amend the Charter of the Brewer Water District

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. P&SL 1945, c. 146, §§6 and 7 are amended to read:

Sec. 6. Board of trustees. All the affairs of ~~said~~ the district ~~shall~~ must be managed by a board of ~~3~~ 5 trustees, residents ~~therein~~ of the district, who ~~shall~~ must be appointed by the city council of the city of Brewer. They ~~shall~~ hold office for the term of 3 years and until their respective successors are appointed and qualified, except, however, as ~~hereinafter~~ provided.

Sec. 7. Trustees; how appointed; meetings; officers; vacancies filled for the unexpired term. The first board of trustees ~~shall~~ must be appointed within 3 days after the meeting of the voters of ~~said~~ the district to accept this act, ~~±~~ one to serve until the 1st annual meeting of the district, ~~±~~ one until the 2nd and ~~±~~ one until the 3rd such meeting. Thereafterward, ~~±~~ one member ~~shall~~ must be appointed by ~~said~~ the city council at its 1st regular meeting for the month of March to serve for the term of 3 years. As soon as convenient after the trustees are first appointed, the trustees shall hold a meeting at some convenient place in the district to be called by any member ~~thereof~~ in writing designating the time and place and delivered in hand to the other ~~±~~ 4 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. They ~~shall~~ then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. When necessary they may choose a treasurer and other ~~needful~~ officers and agents who ~~shall~~ serve at their pleasure, and whose compensation ~~shall~~ must be fixed by ~~said~~ the trustees. The treasurer shall furnish bond in ~~such~~ that sum and with ~~such~~ those sureties as they ~~may~~ are approve. Members of the board ~~shall~~ be are eligible to any office under the

board, but ~~shall~~ may not receive any compensation therefore except as trustees unless authorized by vote of the city council of the city of Brewer.

The compensation of the trustees ~~shall~~ must be \$50 each per annum unless otherwise provided by vote as above defined.

The trustees ~~shall~~ must be sworn to the faithful performance of their duties as such, which ~~shall~~ include the duties of any member as clerk or clerk pro tem. They shall make and publish an annual report including a report of the treasurer.

Sec. 2. Appointment of new members; terms of new members. The 2 new members of the Board of Trustees of the Brewer Water District must be appointed by the city council for the City of Brewer at its 3rd regularly scheduled meeting following the effective date of this Act; one for a term expiring in 1995 and one for a term expiring in 1996. After the initial appointment, each new member holds office for a term of 3 years and until that member's respective successor is appointed and qualified in accordance with the procedures contained in Private and Special Law 1945, chapter 146, section 7.

Sec. 3. Acceptance subject to referendum. This Act must be submitted to the legal voters within the district at an election called for that purpose and held by December 31, 1994. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters and, for this purpose, the registrar of voters must be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions by the registrar. The subject matter of this Act is reduced to the following question:

"Do you favor amending the charter that created the Brewer Water District by adding 2 additional members to the Board of Trustees of the Brewer Water District?"

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

The results must be declared by the municipal officers of the City of Brewer and the due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its acceptance by a majority of the legal voters within the district voting at the special election. Failure of the approval by the necessary majority of

voters at any such election does not prevent a subsequent election or elections from being held for that purpose prior to December 31, 1994.

Effective pending referendum.

CHAPTER 62

H.P. 1268 - L.D. 1695

An Act to Amend the Waldoboro Utility District Charter

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has been determined that the Waldoboro Utility District's borrowing capacity is inadequate to improve the facility that services the Town of Waldoboro; and

Whereas, the Waldoboro Utility District must take action as soon as possible to purchase the Waldoboro Water Company; 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&SL 1963, c. 146, §17, as amended by P&SL 1989, c. 2, §2, is further amended to read:

Sec. 17. Authorized to borrow money to issue bonds and notes. For accomplishing the purposes of this Act, the district, by resolutions of its board of trustees, without district vote, is hereby authorized to borrow money temporarily and to issue therefor for the money its negotiable notes, and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities incurred by the district or the

Town of Waldoboro, the district being authorized to reimburse the Town of Waldoboro for any such expense incurred or paid by it, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, ~~the Waldoboro Sewer District, by resolutions of its board of trustees, without district vote, is also hereby authorized to issue, from time to time, bonds, notes or other evidence of indebtedness of the district in one series or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided, however, that the total indebtedness of the district at any one time outstanding shall not exceed the sum of \$1,000,000 and that any single expenditure which exceeds \$100,000 must be approved by district vote. The district through its trustees may also issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts bearing interest at such rate or rates, selling at par or at a discount or a premium and having such other terms and provisions as the trustees determine; provided that the total indebtedness of the district must not exceed 3% of the Town of Waldoboro's state valuation; and provided that no vote of the district is required before issuance of any debt, except that a single expenditure that exceeds \$100,000 must be approved by district vote.~~ Said bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine, but ~~none of them shall the bonds, notes and evidences of indebtedness may not~~ run for a longer period than 40 years from the date of original issue ~~thereof of the bonds, notes and evidences of indebtedness.~~ Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness ~~shall must~~ have inscribed upon their face the words "Waldoboro Sewer Utility District", ~~shall be~~ are signed by the treasurer and countersigned by the ~~chairman~~ chair of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached ~~thereto shall to the coupon bonds must~~ bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district, which is a quasi-municipal corporation, shall be are legal obligations of the district, ~~which is hereby declared to be a quasi municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90 A, section 23, as enacted by the public laws of 1957, chapter 405, section 1, as amended, and all provisions of said section shall be applicable thereto within the meaning~~