

# 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**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

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.

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## 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~~

of the Maine Revised Statutes, Title 30-A, section 5701. The said district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue ~~shall constitute~~ constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by said district ~~shall be~~ are legal investments for savings banks in the State of ~~Maine~~ and ~~shall be~~ are tax exempt. The said district is ~~hereby~~ authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce this act.

**Sec. 2. P&SL 1963, c. 146, §28** is enacted to read:

**Sec. 28. Authorized to acquire property and franchises of Waldoboro Water Company.**

The district, through its trustees, may acquire by purchase the entire plant, properties, franchises, rights and privileges owned by the Waldoboro Water Company, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the area of the district.

**Sec. 3. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Waldoboro Utility District at an election to be called and held for the purpose by December 31, 1994. The election must be called by the municipal officers and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to the municipal elections; except that the board of registration is not required to prepare nor the town clerks to post a new list of voters, and for this purpose the board of registration must be in session on the 3 working days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close their records of the session. The town clerk shall reduce the subject matter of this Act to the following questions:

Question A: "Do you favor amending the Waldoboro Utility District charter by changing the debt limit of the district from \$1,000,000 to 3% of the Town of Waldoboro's state valuation?"

Question B: "Do you favor allowing the Waldoboro Utility District to purchase the assets of the Waldoboro Water Company?"

Section 1 of this Act takes effect for all purposes immediately upon acceptance of Question A by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections held prior to December 31, 1994. Section 2 of this Act takes effect for all purposes immediately upon acceptance of Question B by a majority of the legal voters voting at the election, but only if the total number of votes cast for and against its acceptance exceeds 10% of the registered voters of the district, but failure of approval does not prevent subsequent elections held prior to December 31, 1994.

The results of the elections must be declared by the municipal officers of the town and due certificates of the elections must be filed by the town clerk with the Secretary of State.

Effective pending referendum.

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## CHAPTER 63

H.P. 1181 - L.D. 1579

**An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operations of the Public Utilities Commission will become due and payable prior to the expiration of the 90-day period; 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:**