

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

Corporation to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 in calendar year 1996. Twenty-five million dollars of the state ceiling for the calendar year 1997 is allocated to the Maine Educational Loan Marketing Corporation to be used or reallocated in accordance with Title 10, section 363, subsection 8.

Sec. 7. Unallocated state ceiling. Thirty-five million dollars of the state ceiling for calendar year 1997 is unallocated and must be reserved for future allocation in accordance with applicable laws.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 25, 1996.

CHAPTER 62

H.P. 1181 - L.D. 1620

An Act to Amend the Charter of the East Boothbay Water District

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

Whereas, the East Boothbay Water District needs to upgrade the main power panel, the controls and a 3-phase power line; and

Whereas, the present borrowing capacity of the district is not large enough to finance the project; and

Whereas, it is essential that the work be completed as soon as possible in order to provide water service to the inhabitants of the district and to protect the present expenditures; 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 1959, c. 132, §1, as amended by P&SL 1961, c. 37, §1, is further amended to read:

Sec. 1. Territorial limits; name; purposes. The territory comprising that part of the Town of Boothbay bounded and described as follows, to-wit: Commencing on the boundary line between Boothbay and Boothbay Harbor at a distance westerly along said line of 2,000 feet from the center line of the Beath

Road, thence continuing in a northerly direction to the intersection of the Beath Road with the road passing by the Country Club, which intersection is known as Houlton's Corner, thence continuing further in a northerly direction to the intersection of the River Road and Route 27, thence continuing in a northeasterly direction along the center line of the River Road to the north line of the Town of Boothbay, thence continuing in an easterly direction along the north line of the Town of Boothbay to the boundary line between Boothbay and Bristol in a northeasterly direction along the center line of Butler Road to the intersection of Butler Road with Pleasant Cove Road and Pension Ridge Road, thence continuing in a northerly direction along the center line of Pension Ridge Road to the intersection of Pension Ridge Road with Ambleside Road, thence continuing in a northeasterly direction along the center line of Ambleside Road to the end of Ambleside Road, thence continuing in a straight line further in a northeasterly direction through Pleasant Cove to the southwest point in the angle of the boundary line between Boothbay and Bristol at the end of Pleasant Cove, thence continuing in a generally southerly, westerly, northerly and westerly direction along the boundary line of Boothbay and Bristol and Boothbay and Boothbay Harbor to the point of beginning, and being all of the southeast portion of Boothbay, including Linekin Neck and the village of East Boothbay and the inhabitants of said towns within that area, are hereby created a body politic and corporate under the name of "East Boothbay Water District" for the purposes of supplying inhabitants and others in the district, said towns and the inhabitants of Boothbay Harbor located on both sides of Route 96 who live easterly of the cemetery and within 500 feet of said Route 96 with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes. All incidental rights, powers and privileges, necessary to the accomplishment of the main objects herein set forth, are hereby granted to the said East Boothbay Water District.

Sec. 2. P&SL 1959, c. 132, §6, 3rd and 4th ¶¶ are amended to read:

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof of the board 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. They may meet by agreement without such notice. They shall then organize by electing from their own number a chairman chair and a clerk and, not necessarily from their own number, a treasurer. They shall adopt a corporate seal and may adopt by-laws and perform any other acts within the powers delegated to them by law. Following the appointment of the new trustees at each annual meeting of said district, the

trustees shall elect from their own number a ~~chairman~~ chair and a clerk and, not necessarily from their own number, a treasurer, ~~whose salary shall not exceed \$200,~~ to serve until the next annual meeting of said district and until their respective successors are elected and qualified. The trustees shall fix the salary of the treasurer but, if the treasurer is also a trustee, the compensation for any duties performed as treasurer must be in accordance with the Maine Revised Statutes, Title 35-A, section 6303.

The trustees from time to time may choose and employ and fix the compensation of any other necessary officers and agents, who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost ~~thereof~~ of the bond to be paid by the district. Members of the board of trustees shall ~~be~~ are eligible ~~to~~ for any office under the board. The trustees, ~~as such, shall receive as are entitled to~~ are entitled to compensation for their services ~~an amount to be determined by them not to exceed \$50 each per year in accordance with the Maine Revised Statutes, Title 35-A, section 6303.~~

Sec. 3. P&SL 1959, c. 132, §11, first ¶, as amended by P&SL 1961, c. 234, is further amended to read:

For accomplishing the purposes of this act, and for such other expenses as may be necessary for the carrying out of said purposes, ~~said~~ the district, through its trustees, is authorized to borrow money temporarily and to issue therefore 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 whether incurred by the district or the Town of Boothbay, the district being authorized to reimburse ~~said~~ the town for any such expenses incurred by it, and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, ~~said~~ the district, through its trustees, is also authorized to issue, from time to time, bonds, notes or other evidences 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 ~~said~~ district shall may not exceed the sum of \$475,000 at any one time outstanding, unless the district has obtained approval of a higher debt limit in accordance with this section; but bonds, notes or other evidences of indebtedness of the district ~~which that~~ have matured or otherwise become payable and for the payment of which adequate funds have been provided by deposit-

ing such funds with a paying or disbursing agent named in such bonds, notes or other evidences of indebtedness in trust for such purpose shall may not be considered to be outstanding.

Sec. 4. P&SL 1959, c. 132, §11, as amended by P&SL 1961, c. 234, is further amended by adding after the first paragraph the following new paragraphs to read:

Prior to issuing any debt on behalf of the district in an amount exceeding \$475,000, or any other amount approved by the voters pursuant to this section, the trustees shall propose a new debt limit for the district, which they must submit for approval in a districtwide referendum. The referendum 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 town clerk to post a new list of voters. The registrar of voters must be in session on the secular day next preceding the election. The town clerk of the town shall prepare the required ballots with the following question:

"Do you favor changing the debt limit of the East Boothbay Water District from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the Town of Boothbay and due certificate of the results filed by the town clerk with the Secretary of State.

A debt limit proposal becomes effective immediately upon its acceptance by a majority of the legal voters within the district voting at the election. Failure of approval by the necessary majority of voters at the referendum does not prevent subsequent referenda from being held for the same purpose. The district may increase its debt limit to any amount and as often as approved by the legal voters within the district pursuant to this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 26, 1996.