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Private & Special Law

124th Legislature

First Regular Session

Chapter 5

H.P. 218 - L.D. 275

An Act To Amend the Charter of the Limestone Water and Sewer District

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

Whereas, the amendments proposed in this bill are necessary for the Limestone Water and Sewer District and the Loring Development Authority of Maine to proceed with the upgrade of the Greater Limestone Wastewater Treatment Facility; and

Whereas, the American Recovery and Reinvestment Act of 2009 was signed by the President on February 17, 2009, and within 120 days of signature the Department of Environmental Protection must obligate 50% of the \$30,000,000 allotted to the State for wastewater projects, such as the proposed upgrade to the Greater Limestone Wastewater Treatment Facility; and

Whereas, priority ranking for the wastewater project funding is a function of the project's readiness to proceed, and the readiness of the Greater Limestone Wastewater Treatment Facility project depends on the amendments contained in this Act; 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 1957, c. 59, §8-A is enacted to read:

Sec. 8-A. Wastewater facility board. If the district acquires title to the Greater Limestone Wastewater Treatment Facility, the board of trustees is expanded to form the Greater Limestone Wastewater Treatment Facility Board, referred to in this section as "the wastewater facility board," when the board of trustees considers those matters pertaining to the management and oversight of the Greater Limestone Wastewater Treatment Facility.

1. Composition of wastewater facility board. The wastewater facility board consists of the 3 members of the board of trustees and 2 appointed members. One appointed member must be appointed by the trustees of the Loring Development Authority of Maine, and one appointed member must be a member of the Limestone Board of Selectpeople appointed by the selectpeople. The 2 appointed members serve without compensation and serve at the pleasure of their appointing entities and may be removed without cause by their appointing entities at any time.

2. Function of wastewater facility board. Whenever the board of trustees takes up matters concerning the management and oversight of the Greater Limestone Wastewater Treatment Facility, the board of trustees shall sit as the wastewater facility board. At such times, the appointed members of the wastewater facility board are entitled to sit with the board of trustees and to speak and vote on those matters specifically relating to the Greater Limestone Wastewater Treatment Facility, including, but not limited to, operation and maintenance of that facility, compliance with environmental regulations applicable to that facility, rate changes and changes in the terms and conditions of wastewater service provided by the district to the Loring Development Authority of Maine.

Sec. 2. P&SL 1957, c. 59, §12, first sentence, as amended by P&SL 1981, c. 40, is further amended to read:

For accomplishing the purposes of this act Act, ~~said~~ the district, through its trustees, is authorized to borrow money temporarily in an amount not to exceed ~~\$1,500,000~~ \$8,000,000, and to issue ~~therefor~~ for the borrowing of money the interest-bearing negotiable notes of the district and for the purpose of refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this act Act, including the expenses incurred in the creation of the district, in reimbursing ~~said~~ the town, in acquiring the ~~aforesaid~~ properties, privileges and franchises of the Limestone Water and Sewer Company, its successors or assigns, by purchase or otherwise, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing and maintaining and operating a water, sewerage and drainage system, 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 trustees ~~therefor~~ for the issuance of bonds, maturing at one time or in uniform or varying installments with or without call provisions and at or without any premium.

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

Effective April 16, 2009.