

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2689

H.P. 1945

House of Representatives, April 11, 2000

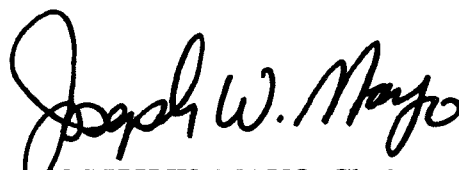
An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Utilities and Energy suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator PARADIS of Aroostook and
Representative AHEARNE of Madawaska.

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

4
6 **Whereas,** the St. Agatha Sanitary District is a sanitary
district created under the Maine Revised Statutes, Title 38,
chapter 11 and a Certificate of Organization filed with the
8 Department of Environmental Protection, dated May 26, 1967; and

10 **Whereas,** the district wishes to dissolve its charter and
transfer its operations to the Town of St. Agatha; and

12
14 **Whereas,** it is imperative that action be taken as early as
possible to allow for continuity of services provided by the St.
Agatha Sanitary District; and

16
18 **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
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22
24 **Be it enacted by the People of the State of Maine as follows:**

26 **Sec. 1. Town of St. Agatha's acquisition of property of St. Agatha**
Sanitary District. The Town of St. Agatha acquires, under the terms
contained in this Act, all of the plants, properties, assets,
28 franchises, rights and privileges owned by the St. Agatha
Sanitary District, including, without limitation, lands,
30 buildings, sewers, filtration plants and treatment plants, tanks,
standpipes, mains, pumps, pipes, machinery, fixtures, services,
32 tools, flush tanks, manholes, catch basins, pumping stations and
other equipment, appliances and property used or usable for
34 collecting, holding, purifying and disposing of sewage matter and
waste waters.

36
38 The consideration paid is the assumption by the Town of St.
Agatha of all of the outstanding debts, obligations and
liabilities of the St. Agatha Sanitary District, including,
40 without limitation, the assumption by the town of any outstanding
notes or bonds of the St. Agatha Sanitary District that are due
42 on or after the date of transfer.

44 **Sec. 2. St. Agatha Sanitary District required to sell property to**
town. The St. Agatha Sanitary District, under the terms
46 contained in this Act, shall sell, transfer and convey to the
Town of St. Agatha by appropriate instruments of conveyance all
48 of the St. Agatha Sanitary District's plants, properties, assets,
franchises, rights and privileges, including, without limitation,

2 lands, buildings, sewers, filtration and treatment plants, tanks,
standpipes, mains, pumps, pipes, machinery, fixtures, services,
4 tools, flush tanks, manholes, catch basins, pumping stations and
other equipment, appliances and property used or usable for
6 collecting, holding, purifying and disposing of sewage matter and
waste waters for domestic, sanitary, commercial, industrial and
8 municipal purposes in consideration of the assumption by the Town
of St. Agatha of all of the outstanding debts, obligations and
10 liabilities of the St. Agatha Sanitary District, including,
without limitation, the assumption of any outstanding notes or
12 bonds of the St. Agatha Sanitary District that are due on or
after the date of transfer.

14 **Sec. 3. Contracts of St. Agatha Sanitary District.** All contracts
between the St. Agatha Sanitary District and any person, firm or
16 corporation relating to supplying sewer service that are in
effect on the date of the transfer by the district to the Town of
18 St. Agatha are assumed and carried out by the town.

20 **Sec. 4. Dissolution and termination of St. Agatha Sanitary District;**
pledge of revenues. If all debts, obligations and other
22 liabilities of the St. Agatha Sanitary District are paid in full
and discharged or the holders or owners of all debts, obligations
24 and other liabilities that have not been paid in full and
discharged have assented to the assumption of the debts,
26 obligations and other liabilities by the Town of St. Agatha and
to the notation and substitution of the town as obligator in
28 place of the St. Agatha Sanitary District, when the transfer of
properties pursuant to sections 1 and 2 is complete, the clerk of
30 the St. Agatha Sanitary District shall file a certificate to that
effect with the Secretary of State and the corporate existence of
32 the St. Agatha Sanitary District terminates. Upon acceptance of
this Act by the Town of St. Agatha pursuant to section 6, the
34 town is authorized to issue its notes or bonds in the form of
either a general obligation pledge or a revenue pledge, as the
36 municipal officers may determine, or to deliver other instruments
evidencing its assumption of the debts, obligations and other
38 liabilities of the St. Agatha Sanitary District without the need
for any further action or approval.

40
42 Until the corporate existence of the St. Agatha Sanitary
District is terminated pursuant to this section, the gross
44 revenues derived by the Town of St. Agatha from the sale of sewer
service within the area comprising the limits of the district
46 must be applied first to the payment of expenses and 2nd to
payments of debts, obligations and other liabilities of the St.
Agatha Sanitary District assumed by the town pursuant to this Act.

48
50 **Sec. 5. Existing laws not affected; rights conferred subject to
provisions of law.** Nothing in this Act is intended to repeal or
may be

2 construed as repealing the whole or any part of any existing law
and all the rights and duties described in this Act must be
4 exercised and performed in accordance with all the applicable
provisions of and amendatory acts to the Maine Revised Statutes,
6 Title 38 to the extent that Title and its amendments affect the
operations of the district.

8 **Sec. 6. Emergency clause; referendum; effective date.** In view of
the emergency cited in the preamble, this Act takes effect when
10 approved only for the purpose of permitting its submission to the
legal voters of the Town of St. Agatha at a special town meeting
12 called and held for the purpose not later than December 31,
2000. The meeting must be called, advertised and conducted
14 according to the law relating to municipal elections, except that
the registrar of voters of the Town of St. Agatha is not required
16 to prepare or the clerk to post a new list of voters. For the
purposes of registration of voters, the registrar of voters in
18 the Town of St. Agatha must be in session the secular day next
preceding the election. The subject matter of this Act must be
20 reduced to the following question:

22 "Do you favor the dissolution of the St. Agatha Sanitary
District and the transfer of the district's assets to the
24 Town of St. Agatha?"

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

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

32 This Act takes effect for all the purposes immediately upon
34 acceptance by a majority of the legal voters voting at the
meeting only if the total number of votes cast for and against
36 the acceptance of this Act at the meeting equal or exceed 15% of
the total vote for all candidates for Governor cast in the Town
38 of St. Agatha at the next preceding gubernatorial election, but
failure of approval by the necessary percentage of voters at any
40 meeting does not prohibit a subsequent meeting or meetings to be
held for the purpose on or before December 31, 2001.

44 SUMMARY

46 This bill allows the St. Agatha Sanitary District to be
dissolved and the Town of St. Agatha to take over the district's
48 duties.