

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1346

S.P. 563

In Senate, April 1, 2025

An Act Regarding the Supply of Water to the Town of New Sharon

(EMERGENCY)

Received by the Secretary of the Senate on March 28, 2025. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.
Cosponsored by Representative HALL of Wilton and
Senator: MARTIN of Oxford, Representatives: FROST of Belgrade, NUTTING of Oakland.

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

3 **Whereas,** the New Sharon Water District has struggled to maintain consistent
4 membership on its board of trustees for over a year; and

5 **Whereas,** the current board of trustees and the select board of the Town of New
6 Sharon recognize that stability is necessary for ratepayers to be properly served; and

7 **Whereas,** this legislation must take effect before the expiration of the 90-day period
8 to authorize submission of the issue of dissolution of the New Sharon Water District to the
9 voters of the Town of New Sharon at the June 2025 primary; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. P&SL 1967, c. 29,** as amended by P&SL 1989, c. 19, is repealed.

16 **Sec. 2. Transfer of assets of New Sharon Water District.** The New Sharon
17 Water District shall expeditiously convey, assign and transfer to the Town of New Sharon,
18 for no consideration:

19 1. All physical and intangible assets of the New Sharon Water District, including all
20 cash, lands, water rights, waters, dams, reservoirs, mains, pipes, service pipes, hydrants,
21 gates, gate-boxes, fixtures, machinery, tools, apparatus, appliances, structures and any
22 other physical element necessary and convenient for providing pure water for domestic,
23 commercial, sanitary and municipal purposes; and

24 2. All existing contracts or other obligations between the New Sharon Water District
25 and any 3rd party. All property, contracts, obligations and franchises of the New Sharon
26 Water District must be conveyed subject to all debentures, bonds, mortgages, liens and
27 encumbrances thereon, all of which must be assumed by the Town of New Sharon.

28 **Sec. 3. Contractual obligations not impaired.** In order to avoid any
29 unconstitutional impairment of existing contractual rights, the Town of New Sharon and,
30 if necessary, the New Sharon Water District shall enter into any and all contractual
31 agreements necessary for the Town of New Sharon to fulfill any contractual obligations of
32 the New Sharon Water District, including any existing financial obligations to the New
33 Sharon Water District's bondholders.

34 **Sec. 4. Pledge of revenues.** In order to carry out the purposes of this Act and
35 notwithstanding the Maine Revised Statutes, Title 30-A, section 5772, the Town of New
36 Sharon is authorized to issue its notes or bonds in the form of either a general obligation
37 pledge or a revenue pledge, as the municipal officer may determine, to replace or refinance
38 any or all of the existing debts or obligations of the New Sharon Water District and is
39 authorized to deliver other instruments evidencing its assumption of the debts, obligations
40 and other liabilities of the New Sharon Water District without the need for any further
41 action or approval from the New Sharon select board or the voters of the Town of New
42 Sharon. Any notes or bonds or other instruments evidencing the town's assumption of the

1 debts, obligations and other liabilities of the New Sharon Water District may be issued in
2 the amounts necessary to pay the principal of, premium, if any, on and interest on the debts,
3 obligations and other liabilities of the New Sharon Water District and may mature up to
4 but not later than the stated maturity date of the debts, obligations and other liabilities of
5 the New Sharon Water District.

6 **Sec. 5. Corporate successor to New Sharon Water District.** For purposes of
7 assuming all debts and obligations of the New Sharon Water District, the Town of New
8 Sharon is the corporate successor to the New Sharon Water District upon the transfer of the
9 assets and obligations of the New Sharon Water District to the Town of New Sharon
10 pursuant to this Act.

11 **Sec. 6. Referendum; effective date.** This Act takes effect when approved only
12 for the purpose of permitting its submission to the legal voters within the Town of New
13 Sharon at a referendum called for that purpose and held after March 1, 2025, but within 3
14 years after the effective date of this Act. The referendum must be called by the municipal
15 officers of the town and must be held at the town's regular voting places. The referendum
16 must be called, advertised and conducted according to the law relating to municipal
17 elections. The registrar shall make a complete list of all the eligible voters of the Town of
18 New Sharon. The list prepared by the registrar governs the eligibility of a voter. For the
19 purpose of registration of voters, the registrar of voters must be in session the regular
20 workday preceding the referendum. The subject matter of this Act is reduced to the
21 following question:

22 "Do you favor the New Sharon Water District turning over all assets,
23 liabilities and responsibilities to the Town of New Sharon for the purposes
24 of providing drinking water and fire protection to existing and future
25 customers?"

26 The voters shall indicate by a cross or check mark placed against the word "Yes" or
27 "No" their opinion of the same. The results must be declared by the municipal officers of
28 the Town of New Sharon and due certificate of the results filed by the clerk with the
29 Secretary of State. This Act takes effect for all other purposes immediately upon its
30 approval by a majority of the legal voters of the Town of New Sharon voting at the
31 referendum. Failure to achieve the necessary approval in any referendum does not prohibit
32 subsequent referenda consistent with this section, as long as the referenda are held within
33 3 years after the effective date of this Act. If, after March 1, 2025, but prior to approval of
34 this Act, a referendum on the question specified in this section is held in accordance with
35 this section and a majority of the legal voters of the Town of New Sharon voting at the
36 referendum cast votes in favor of the question and due certificate of the results are filed
37 with the Secretary of State, this Act takes effect when approved.

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

40 SUMMARY

41 This bill repeals the charter of the New Sharon Water District and directs the Town of
42 New Sharon to take up the district's assets, liabilities and responsibilities.