

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 382

S. P. 141

In Senate, February 10, 1977

Referred to the Committee on Public Utilities. Sent down for concurrence and ordered printed. Ordered sent forthwith.

MAY M. ROSS, Secretary

Presented by Senator Cummings of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Authorize the Transfer of all Assets and Liabilities of the Newport Sewer District to the Town of Newport and the Dissolution of the Newport Sewer District.

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

Sec. 1. Town of Newport authorized to acquire property of Newport Sewer District. The Town of Newport is authorized, under the terms contained in this Act, to acquire all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Newport Sewer District, including without limitation, all lands, buildings, sewers, sewer rights, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other property and appliances, used or usable, for collecting, holding, purifying and disposing of sewage matter and waste waters. The consideration to be paid therefor shall be the assumption by the Town of Newport of all the outstanding debts, obligations and liabilities of the Newport Sewer District, including, without limitation, the assumption of any outstanding bonds or notes of the Newport Sewer District that are due on or after the date of transfer.

Sec. 2. Newport Sewer District required to sell property to the Town of Newport. The Newport Sewer District, a quasi-municipal corporation organized and existing pursuant to chapter 24 of the private and special laws of 1967, shall sell, transfer and convey by appropriate instruments of conveyance all, but not less than all, of its plant, properties, assets, franchises, rights and privileges, including without limitation, all lands, buildings, sewers, sewer rights, reservoirs, flush tanks, manholes, catch basins, filtration plants, pumping stations and other property and appliances, used or usable, for collecting, holding, purifying and disposing of sewage matter and waste

waters, in consideration of the assumption by the Town of Newport of all the outstanding debts, obligations and liabilities of the Newport Sewer District, including, without limitation, the assumption of any outstanding bonds or notes of the Newport Sewer District that are due on or after the date of transfer.

Sec. 3. Contracts of Newport Sewer District assumed by Town of Newport. All contracts between the Newport Sewer District and any person, firm or corporation relating to the collecting, holding, purifying and disposing of sewage matter and waste waters, which are in effect on the date of transfer shall be assumed and carried out by the Town of Newport.

Sec. 4. Act void unless property transferred. If the plant, properties, assets, franchises, rights and privileges owned by the Newport Sewer District shall not have been acquired by the Town of Newport pursuant to these provisions prior to July 1, 1978, then this Act shall become null and void on that date.

Sec. 5. Dissolution and termination of the Newport Sewer District; pledge of revenues. If and when all debts, obligations and other liabilities of the Newport Sewer District have been paid in full and discharged, or the holders or owners of all such debts, obligations and other liabilities which have not been paid in full and discharged have assented to the assumption thereof by the Town of Newport and to the novation and substitution of the Town of Newport as obligor in respect thereto in place of the Newport Sewer District, the Clerk of the Newport Sewer District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Newport Sewer District shall thereupon cease and terminate. Until the corporate existence of the Newport Sewer District shall have ceased and terminated pursuant to the foregoing provisions of this section, the gross revenues derived by the Town of Newport from the entrance charges, rates, tolls, rents and other lawful charges for sewer or drainage service, within the Town of Newport, shall be applied first to the payment of expenses fairly allocable to the operation of the sewer system in said town and second to payment of debts, obligations and other liabilities of the Newport Sewer District assumed by the Town of Newport pursuant hereto.

Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 day after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Newport at a special town meeting called and held for the purpose not later than January 1, 1978. Such meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided that the registrar of voters shall not be required to prepare, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters said registrar of voters shall be in session on the secular day next preceding said special meeting.

The town clerk shall reduce the subject matter of this Act to the following question: "Shall the Act to Authorize the Transfer of all Assets and Liabilities of the Newport Sewer District to the Town of Newport and the Dissolution of the Newport Sewer District, passed by the First Regular Session

of the 108th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon acceptance by a majority of the legal voters voting at said meeting; but only if the total number of votes cast for and against the acceptance of this Act at said meeting equaled or exceeded 20% of the total vote for all candidates for Governor cast in said town at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any such meeting shall not prevent a subsequent meeting or meetings to be held for said purpose on or before January 1, 1978.

The result of the vote shall be declared by the municipal officers of the Town of Newport and due certificate thereof shall be filed by the town clerk with the Secretary of State.

STATEMENT OF FACT

The purpose of this bill is to transfer all assets and liabilities of the Newport Sewer District to the Town of Newport, to dissolve the Newport Sewer District and to allow the Town of Newport to operate all sewer facilities. A referendum is required.