

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 947, L. D. 1142

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1763

H. P. 1538

House of Representatives, May 6, 1977

Reported by Mr. Cunningham from the Committee on Public Utilities and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Enable the Transfer of all Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District.

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

Sec. 1. Town of Lincoln authorized to acquire property of Lincoln Sanitary District. The Town of Lincoln 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 Lincoln Sanitary District, including without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes. The consideration to be paid therefor shall be the assumption by the Town of Lincoln of all of the debts and liabilities of the Lincoln Sanitary District, except bonds and notes of the district, that are due on or after the date of transfer.

Sec. 2. Lincoln Sanitary District required to convey property to the Town of Lincoln. The Lincoln Sanitary District, organized under the Maine Revised Statutes, Title 38, chapter 11, shall transfer and convey by appropriate instruments of conveyance all, but not less than all, of its plants, properties, assets, rights and privileges, including without limitation, all lands, buildings, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes to the Town of Lincoln in consideration of the assumption by the Town of Lincoln of all of the debts and liabilities of the Lincoln Sanitary District, except bonds and notes of the district, that are due on or after the date of transfer.

Sec. 3. Transfer to occur following discharge of outstanding debts. The dissolution of the Lincoln Sanitary District and the transfer of the assets and liabilities of the sanitary district to the Town of Lincoln shall not take effect until all the outstanding indebtedness of the Lincoln Sanitary District has been discharged. The trustees of the Lincoln Sanitary District shall certify to the Secretary of State and the Board of Environmental Protection that the Lincoln Sanitary District is free from all outstanding indebtedness. Outstanding indebtedness is defined as bonds or notes for capital outlay purposes issued by the trustees pursuant to the Maine Revised Statutes, Title 38, chapter 11, the Maine Sanitary District Enabling Act, and all obligations due to the State or any of its several agencies, including, but not limited to, the Department of Environmental Protection. Upon receipt of the certification as to the discharge of outstanding indebtedness as required in this section, and the certification as to the results of the votes cast as required in section 5, the Lincoln Sanitary District shall be dissolved as a legal entity and the same shall be properly noted in the records of the Secretary of State and with the Board of Environmental Protection.

Sec. 4. Contracts of the Lincoln Sanitary District assumed by the Town of Lincoln. All contracts between the Lincoln Sanitary District and any person, firm or corporation, relating to sanitary services and facilities which are in effect on the date of the transfer by the sanitary district to the Town of Lincoln shall be assumed and carried out by the Town of Lincoln.

Sec. 5. Referendum; effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Town of Lincoln at any regular meeting, or at any special meeting called and held for the purpose. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the registrar of voters shall not be required to prepare for posting nor the town clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters shall be in session the 3 secular days next preceding such meeting.

The subject matter of this Act shall be reduced to the following question:

“Shall ‘An Act to Enable the Transfer of All Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District,’ as passed by the First Regular Session of the 108th Legislature, be accepted?”

The voters shall indicate in the usual manner their opinion of the same.

This Act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters at the meeting; provided that the total number of votes cast for and against the acceptance of this Act at the meeting equals or exceeds 10% of the total vote for all candidates for Governor in the town at the last 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 the purpose.

The result of the votes shall be declared by the municipal officers of the Town of Lincoln and due certificates thereof shall be filed by the clerk of the town with the Secretary of State.

Nothing herein contained shall mandate the submission of the question of dissolution of the Lincoln Sanitary District to the voters without the affirmative vote of a majority of the members of the Lincoln Town Council.

STATEMENT OF FACT

The purpose of this new draft is to transfer all assets and liabilities of the Lincoln Sanitary District to the Town of Lincoln, to dissolve the sanitary district and to allow the town to operate all water facilities. This new draft also removes the 3-month time limitation for the holding of the referendum.