

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 57

7
8 H.P. 51 House of Representatives, January 15, 1985

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Masterman of Milo.
12 Cosponsored by Senator Pray of Penobscot.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT for the Town of Brownville to Acquire
19 the Assets and Liabilities of the
20 Brownville Junction Water District.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the Brownville Junction Water District
26 presently provides water and sewer services to the
27 Brownville Junction area residents; and

28 Whereas, because of its size the Brownville Junc-
29 tion Water District is unable to afford the services
30 of a full-time manager or to hire full-time mainte-
31 nance personnel; and

32 Whereas, efforts to operate the system through
33 the use of a part time management and maintenance
34 personnel have been unsuccessful, with the result

1 that it is unable to continue to provide high quality
2 service to its customers and lack of management has
3 led to cash flow problems endangering its financial
4 stability; and

5 Whereas, these problems would be solved by com-
6 bining the functions and assets of the Brownville
7 Junction Water District with the Town of Brownville;
8 and

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

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

17 Sec. 1. Town of Brownville authorized to acquire
18 property of Brownville Junction Water District. The
19 Town of Brownville may, under the terms contained in
20 this Act, to acquire all, but not less than all, of
21 the plant, properties, assets, franchises, rights and
22 privileges owned by the Brownville Junction Water
23 District including, without limitation, all lands,
24 buildings, waters, water rights, springs, wells, res-
25 ervoirs, tanks, standpipes, mains, pumps, pipes, ma-
26 chinery, fixtures, hydrants, meters, services, tools,
27 equipment and appliances used or useful in supplying
28 water for domestic, sanitary, commercial, industrial
29 and municipal purposes and also for providing ade-
30 quate sewerage facilities for collection, discharge
31 and disposition of sewage. The consideration to be
32 paid for them shall be the assumption by the Town of
33 Brownville of all of the outstanding debts, obliga-
34 tions and liabilities of the Brownville Junction Wa-
35 ter District including, without limitation, the as-
36 sumption by the Town of Brownville of any outstanding
37 notes or bonds of the Brownville Junction Water Dis-
38 trict that are due on or after the date of transfer.

39 Sec. 2. Brownville Junction Water District re-
40 quired to sell property to the Town of Brownville.

1 Brownville Junction Water District , a quasi-municipal
2 pal corporation organized and existing pursuant to
3 Private and Special Laws of 1947, chapter 43, shall
4 sell, transfer and convey by appropriate instruments
5 of conveyance all, but not less than all, of its
6 plants, properties, assets, franchises, rights and
7 privileges including, without limitation, all lands,
8 buildings, waters, water rights, springs, wells, res-
9 ervoirs, tanks, standpipes, mains, pumps, pipes, ma-
10 chinery, fixtures, hydrants, meters, services, tools,
11 equipment and appliances used or useful in supplying
12 water for domestic, commercial, industrial and munic-
13 ipal purposes and for providing adequate sewerage fa-
14 cilities for the collection, discharge and disposi-
15 tion of sewage to the Town of Brownville in consid-
16 eration of the assumption by the Town of Brownville of
17 all of the outstanding debts, obligations and liabil-
18 ities of the Brownville Junction Water District in-
19 cluding, without limitation, the assumption of any
20 outstanding notes or bonds of the Brownville Junction
21 Water District that are due on or after the date of
22 the transfer.

23 **Sec. 3. Approval of Public Utilities Commission.**
24 The sale and transfer by the Brownville Junction Wa-
25 ter District to the Town of Brownville of its plant,
26 properties, assets, franchises, rights and privi-
27 leges; the acquisition of them by the Town of
28 Brownville and the assumption by the Town of
29 Brownville of all of the outstanding debts, obliga-
30 tions and liabilities of the Brownville Junction Wa-
31 ter District, pursuant to sections 1 and 2; and the
32 subsequent use thereof by the Town of Brownville
33 within the limits of the town and that part of T.6.
34 R.8, lying within Brownville Junction Water District
35 shall be subject to such approval of the Public Util-
36 ities Commission as may be required by applicable
37 provisions of the Revised Statutes, Title 35, Part 1.

38 **Sec. 4. Contracts of Brownville Junction Water**
39 **District assumed by the Town of Brownville.** All con-
40 tracts between Brownville Junction Water District and
41 any person, firm or corporation relating to supplying
42 water and for the collection, discharge and disposi-
43 tion of sewage, which are in effect on the date of
44 the transfer by the Brownville Junction Water Dis-
45 trict to the Town of Brownville shall be assumed and
46 carried out by the Town of Brownville.

1 Sec. 5. Act void, unless property of Brownville
2 Junction Water District is acquired. If the plant,
3 properties, assets, franchises, rights and privileges
4 owned by the Brownville Junction Water District have
5 not been acquired by the Town of Brownville, pursuant
6 to this Act prior to December 31, 1985, this Act
7 shall become void on that date.

8 Sec. 6. Dissolution and termination of
9 Brownville Junction Water District; pledge of reve-
10 nues. If and when all debts, obligations and other
11 liabilities of Brownville Junction Water District
12 have been paid in full and discharged or the holders
13 or owners of all such debts, obligations and other
14 liabilities which have not been paid in full and dis-
15 charged have assented to the assumption thereof by
16 the Town of Brownville and to the novation and sub-
17 stitution of The Town of Brownville as obligor in re-
18 spect thereto in place of the Brownville Junction Wa-
19 ter District, the clerk of Brownville Junction Water
20 District shall file a certificate to that effect with
21 the Secretary of State and the corporate existence of
22 Brownville Junction Water District shall cease and
23 terminate. Until the corporate existence of
24 Brownville Junction Water District shall have ceased
25 and terminated pursuant to this section, the gross
26 revenues derived by the Town of Brownville from the
27 sale of water and the collection, discharge and dis-
28 position of sewage within the area comprising the
29 former limits of the district shall be applied first,
30 to the payment of expenses fairly allocable to the
31 operation of the water and sewage disposal systems
32 and 2nd, to payments of debts, obligations and other
33 liabilities of Brownville Junction Water District as-
34 sumed by the Town of Brownville pursuant to this Act.

35 Sec. 7. Referendum; effective date; certificate
36 to Secretary of State This Act shall be submitted
37 to the legal voters of the Town of Brownville at ei-
38 ther a regular town meeting or a special town meet-
39 ing, to be held prior to December 31, 1985.

40 The clerk of the Town of Brownville shall prepare
41 the required ballots, on which he shall reduce the
42 subject matter of this Act to the following question:

1 "Shall the Town of Brownville be authorized to
2 acquire the assets and liabilities of the
3 Brownville Junction Water District and shall the
4 Brownville Junction Water District be dissolved?"

5 The voters shall indicate by a cross or check
6 mark placed against the words "Yes" or "No" their
7 opinion of the same.

8 This Act shall take effect for all purposes imme-
9 diately upon its acceptance by a majority of the le-
10 gal voters at such town meeting and further provided
11 that the total number of votes cast for and against
12 the acceptance of this Act equals or exceeds 10% of
13 the total vote for all candidates for Governor cast
14 in the Town of Brownville at the last gubernatorial
15 election.

16 The result of the vote shall be declared by the
17 municipal officers of the Town of Brownville and due
18 certificate thereof shall be filed by the town clerk
19 with the Secretary of State.

20 **Emergency clause.** In view of the emergency
21 cited in the preamble, this Act shall take effect
22 when approved.

23 STATEMENT OF FACT

24 This bill authorizes the Town of Brownville to
25 acquire the Brownville Junction Water District. The
26 town would assume all the assets and liabilities of
27 the district. Upon acquisition by the town, the dis-
28 trict would be dissolved.

29 At present, the Brownville Junction Water and
30 Sewer District serves 316 water users, 226 sewer us-
31 ers and 14 fire hydrants. Approximately 50 million
32 gallons of water are pumped annually. These services
33 would be continued by the Town of Brownville. The
34 transfer will allow the town to improve service and
35 efficiency through economies of scale.

36 The outstanding long-term debt of the district is
37 \$110,000 to the Maine Bond Bank and \$10,000 in short
38 term debt to the Merrill Trust Company. The assets

1 of the district were approximately \$270,250 at the
2 end of 1983.

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