

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 957

S.P. 355

Received by the Secretary, March 6, 1991

Referred to the Committee on Utilities and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President PRAY of Penobscot
Cosponsored by Representative HUSSEY of Milo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Authorize the Town of Brownville to Acquire the Assets and
Liabilities of the Brownville Water District.**

(EMERGENCY)

Printed on recycled paper



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

4 Whereas, the board of directors of the Brownville Water
6 District has resigned; and

8 Whereas, the water system is in danger of not being properly
managed to provide safe water to its customers; and

10 Whereas, this problem would be solved by combining the
12 functions and assets of the Brownville Water District with the
Town of Brownville; and

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

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

22 **Sec. 1. Town of Brownville authorized to acquire property of**
24 **Brownville Water District.** The Town of Brownville may, under the
terms contained in this Act, acquire all, but not less than all,
26 of the plant, properties, assets, franchises, rights and
privileges owned by the Brownville Water District including,
28 without limitation, all lands, buildings, waters, water rights,
springs, wells, reservoirs, tanks, standpipes, mains, pumps,
30 pipes, machinery, fixtures, hydrants, meters, services, tools,
equipment and appliances used or useful in supplying water for
32 domestic, sanitary, commercial, industrial and municipal purposes
and also for providing adequate sewerage facilities for
34 collection, discharge and disposition of sewage. The
consideration to be paid for them is the assumption by the Town
36 of Brownville of all of the outstanding debts, obligations and
liabilities of the Brownville Water District including, without
38 limitation, the assumption by the Town of Brownville of any
outstanding notes or bonds of the Brownville Water District that
40 are due on or after the date of transfer.

42 **Sec. 2. Brownville Water District required to sell property to the**
Town of Brownville. The Brownville Water District, a
44 quasi-municipal corporation organized and existing pursuant to
Private and Special Law 1947, chapter 44, shall sell, transfer
46 and convey by appropriate instruments of conveyance all, but not
less than all, of its plants, properties, assets, franchises,
48 rights and privileges including, without limitation, all lands,
buildings, waters, water rights, springs, wells, reservoirs,
50 tanks, standpipes, mains, pumps, pipes, machinery, fixtures,
hydrants, meters, services, tools, equipment and appliances used
52 or useful in supplying water for domestic, commercial, industrial

2 and municipal purposes and for providing adequate sewerage
4 facilities for the collection, discharge and disposition of
6 sewage to the Town of Brownville in consideration of the
8 assumption by the Town of Brownville of all of the outstanding
debts, obligations and liabilities of the Brownville Water
District including, without limitation, the assumption of any
outstanding notes or bonds of the Brownville Water District that
are due on or after the date of the transfer.

10 **Sec. 3. Approval of Public Utilities Commission.** The sale and
12 transfer by the Brownville Water District to the Town of
14 Brownville of its plant, properties, assets, franchises, rights
16 and privileges; the acquisition of them by the Town of Brownville
18 and the assumption by the Town of Brownville of all of the
20 outstanding debts, obligations and liabilities of the Brownville
Water District pursuant to sections 1 and 2 and the subsequent
use thereof by the Town of Brownville within the limits of the
town are subject to such approval of the Public Utilities
Commission as may be required by applicable provisions of the
Maine Revised Statutes, Title 35-A.

22 **Sec. 4. Contracts of Brownville Water District assumed by the Town**
24 **of Brownville.** All contracts between the Brownville Water
26 District and any person, firm or corporation relating to
28 supplying water and for the collection, discharge and disposition
of sewage that are in effect on the date of the transfer by the
Brownville Water District to the Town of Brownville are assumed
and carried out by the Town of Brownville.

30 **Sec. 5. Act void unless property of Brownville Water District is**
32 **acquired.** If the plant, properties, assets, franchises, rights
34 and privileges owned by the Brownville Water District are not
acquired by the Town of Brownville pursuant to this Act prior to
December 31, 1991, this Act becomes void on that date.

36 **Sec. 6. Dissolution and termination of Brownville Water District;**
38 **pledge of revenues.** If and when all debts, obligations and other
40 liabilities of the Brownville Water District have been paid in
42 full and discharged or the holders or owners of all debts,
44 obligations and other liabilities that have not been paid in full
46 and discharged have assented to the assumption thereof by the
48 Brownville Water District and to the novation and substitution of
the Town of Brownville as obligor in respect thereto in place of
the Brownville Water District, the clerk of the Brownville Water
District shall file a certificate to that effect with the
Secretary of State and the corporate existence of the Brownville
Water District ceases and terminates. Until the corporate
existence of the Brownville Water District ceases and terminates
pursuant to this section, the gross revenues derived by the Town
of Brownville from the sale of water and the collection,
discharge and disposition of sewage within the area

2 comprising the former limits of the district must be applied
3 first to the payment of expenses fairly allocable to the
4 operation of the water and sewage disposal systems and 2nd to
5 payments of debts, obligations and other liabilities of the
6 Brownville Water District assumed by the Town of Brownville
7 pursuant to this Act.

8 **Sec. 7. Referendum; effective date; certificate to Secretary of State.**

9 This Act must be submitted to the legal voters of the Town of
10 Brownville at either a regular town meeting or a special town
11 meeting to be held prior to December 31, 1991.

12 The clerk of the Town of Brownville shall prepare the
13 required ballots, on which the clerk shall reduce the subject
14 matter of this Act to the following question:

15 "Shall the Town of Brownville be authorized to acquire the
16 assets and liabilities of the Brownville Water District and
17 shall the Brownville Water District be dissolved?"

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

20 This Act takes effect for all purposes immediately upon its
21 acceptance by a majority of the legal voters at the town meeting
22 and further provided that the total number of votes cast for and
23 against the acceptance of this Act equals or exceeds 10% of the
24 total vote for all candidates for Governor cast in the Town of
25 Brownville at the last gubernatorial election.

26 The result of the vote must be declared by the municipal
27 officers of the Town of Brownville and due certificate of the
28 vote must be filed by the town clerk with the Secretary of State.

29 **Emergency clause.** In view of the emergency cited in the
30 preamble, this Act takes effect when approved.

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40 **STATEMENT OF FACT**

41 This bill authorizes the Town of Brownville to take over the
42 assets and liabilities of the Brownville Water District. The
43 bill, if enacted, becomes effective only upon approval by the
44 voters of the Town of Brownville prior to December 31, 1991.