

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1058

S.P. 381

In Senate, March 28, 1995

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### **An Act to Abolish the Richmond Utilities District.**

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.  
Cosponsored by Representative: SHIAH of Bowdoinham.

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

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**Sec. 1. P&SL 1961, c. 154,** as amended by P&SL 1993, c. 66, §1, is repealed.

**Sec. 2. Town of Richmond's acquisition of property of Richmond Utilities District.** The Town of Richmond acquires, under the terms contained in this Act, all, and not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Richmond Utilities District, including, without limitation, 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 or processing of sewage or its by-products for domestic, sanitary, commercial, industrial and municipal purposes. The consideration paid for them is the assumption by the Town of Richmond of all of the outstanding debts, obligations and liabilities of the Richmond Utilities District, including, without limitation, the assumption by the Town of Richmond of any outstanding notes or bonds of the Richmond Utilities District that are due on or after the date of transfer.

**Sec. 3. Richmond Utilities District required to sell property to the Town of Richmond.** The Richmond Utilities District, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1961, chapter 154, under the terms contained in this Act, shall sell, transfer and convey to the Town of Richmond by appropriate instruments of conveyance all, and not less than all, of its plants, properties, assets, franchises, rights and privileges, including, without limitation, 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 or processing of sewage or its by-products for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the Town of Richmond of all of the outstanding debts, obligations and liabilities of the Richmond Utilities District, including, without limitation, the assumption of any outstanding notes or bonds of the Richmond Utilities District that are due on or after the date of the transfer.

**Sec. 4. Approval of Public Utilities Commission.** The sale and transfer by the Richmond Utilities District to the Town of Richmond of its plant, properties, assets, franchises, rights and privileges and the assumption by the Town of Richmond of all of the outstanding debts, obligations and liabilities of the Richmond Utilities District pursuant to sections 2 and 3 and the subsequent use of the plants, properties, assets, franchises,

rights and privileges by the Town of Richmond within the limits  
of the Town of Richmond are subject to the approval of the Public  
Utilities Commission as may be required by the Maine Revised  
Statutes, Title 35-A, Part 1.

**Sec. 5. Contracts of Richmond Utilities District assumed by the Town of Richmond.** All contracts between the Richmond Utilities District and any person, firm or corporation relating to supplying water or processing of sewage or its by-products that are in effect on the date of the transfer by the Richmond Utilities District to the Town of Richmond must be assumed and carried out by the Town of Richmond.

**Sec. 6. Dissolution and termination of Richmond Utilities District; pledge of revenues.** If and when all debts, obligations and other liabilities of the Richmond Utilities District have been paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged have assented to the assumption of all debts, obligations and other liabilities by the Richmond Utilities District and to the novation and substitution of the Town of Richmond as obligor in respect thereto in place of the Richmond Utilities District and, when the transfer of property pursuant to section 3 is complete, the clerk of the Richmond Utilities District shall file a certificate to that effect with the Secretary of State and the corporate existence of the Richmond Utilities District terminates. Until the corporate existence of the Richmond Utilities District is terminated pursuant to this section, the gross revenues derived by the Town of Richmond from charges associated with the sale of water or processing of sewage or its by-products within the area comprising the former limits of the district must be applied first to the payment of expenses and 2nd to the payment of debts, obligations and other liabilities of the Richmond Utilities District assumed by the Town of Richmond pursuant to this Act.

**Sec. 7. Referendum; effective date.** The municipal officers of the Town of Richmond may submit this Act to the legal voters of the Town of Richmond voting at a regular or special election called and held within 6 months after passage of this Act. If the municipal officers choose to so submit this Act, the election must be called, advertised and conducted according to the law relating to municipal elections, except that the municipal officers are not required to prepare or the town clerk to post a new list of voters. For the purpose of registration of voters the registrar is required to be in session the 3 secular days next preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these

2 sessions. The subject matter of this Act is reduced to the  
following question:

4 "Do you favor the dissolution of the Richmond Utilities  
6 District and the acquisition of the assets and liabilities  
of the Richmond Utilities District by the Town of Richmond?"

8 This Act also must be submitted to the Trustees of the  
10 Richmond Utilities District for a ratification vote at any  
trustees' meeting.

12 This Act takes effect for all purposes immediately upon its  
14 acceptance by the Trustees of the Richmond Utilities District and  
by a majority of the legal voters of the Town of Richmond voting  
at the election.

16 The results of the election must be declared by the  
18 municipal officers of the Town of Richmond and due certificate  
thereof filed by the town clerk with the Secretary of State.

20 **Sec. 8. Effective date.** Section 1 of this Act takes effect when  
22 the Secretary of State receives valid notice of dissolution and  
24 termination of the Richmond Utilities District pursuant to  
section 6.

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## 28 STATEMENT OF FACT

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30 This bill terminates the Richmond Utilities District and  
allows the Town of Richmond to acquire the assets and liabilities  
32 of the Richmond Utilities District upon voter approval by the  
inhabitants of the Town of Richmond and a ratification vote by  
the Trustees of the Richmond Utilities District.