

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2193

H.P. 1538

House of Representatives, April 13, 1999

**An Act to Allow the Fort Kent Utility District to be Dissolved and  
Combined With the Town of Fort Kent.**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator PARADIS of Aroostook.

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

4  
6           **Whereas,** the Fort Kent Utility District was created by  
Private and Special Law 1991, chapter 103; and

8           **Whereas,** the district wishes to dissolve its charter and  
transfer its operations to the Town of Fort Kent; and

10           **Whereas,** it is imperative that action be taken as early as  
12 possible to allow for continuity of services provided by the Fort  
Kent Utility District; 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  
22           **Be it enacted by the People of the State of Maine as follows:**

24           **Sec. 1. Town of Fort Kent's acquisition of property of Fort Kent**  
**Utility District.** The Town of Fort Kent acquires, under the terms  
26 contained in this Act, all of the plant, properties, assets,  
franchises, rights and privileges owned by the Fort Kent Utility  
District, including, without limitation, lands, buildings,  
28 waters, water rights, springs, wells, filtration plants,  
reservoirs, tanks, standpipes, mains, pumps, pipes, machinery,  
30 fixtures, hydrants, meters, services, tools, equipment and  
appliances used or useful in supplying water for domestic,  
32 sanitary, commercial, industrial and municipal purposes; and all  
sewers, reservoirs, flush tanks, manholes, catch basins,  
34 filtration plants, pumping stations and other appliances and  
property used or usable for collecting, holding, purifying and  
36 disposing of sewage matter and waste waters.

38           The consideration paid is the assumption by the Town of Fort  
Kent of all of the outstanding debts, obligations and liabilities  
40 of the Fort Kent Utility District, including, without limitation,  
the assumption by the town of any outstanding notes or bonds of  
42 the Fort Kent Utility District that are due on or after the date  
of transfer.

44           **Sec. 2. Fort Kent Utility District required to sell property to town.**  
46 The Fort Kent Utility District, a quasi-municipal corporation  
organized and existing pursuant to Private and Special Law 1991,  
48 chapter 103, under the terms contained in this Act shall sell,  
transfer and convey to the Town of Fort Kent by appropriate  
50 instruments of

2 conveyance all of the Fort Kent Utility District's plants,  
3 properties, assets, franchises, rights and privileges, including,  
4 without limitation, lands, buildings, waters, water rights,  
5 springs, wells, reservoirs, tanks, standpipes, mains, pumps,  
6 pipes, machinery, fixtures, hydrants, meters, services, tools,  
7 equipment and appliances used or useful in supplying water for  
8 domestic, commercial, industrial and municipal purposes; and all  
9 sewers, reservoirs, flush tanks, manholes, catch basins,  
10 filtration plants, pumping stations and other appliances and  
11 property used or usable for collecting, holding, purifying and  
12 disposing of sewage matter and waste waters in consideration of  
13 the assumption by the Town of Fort Kent of all of the outstanding  
14 debts, obligations and liabilities of the Fort Kent Utility  
15 District, including, without limitation, the assumption of any  
16 outstanding notes or bonds of the Fort Kent Utility District that  
are due on or after the date of transfer.

18 **Sec. 3. Approval of Public Utilities Commission.** The transfer by  
19 the Fort Kent Utility District of its plant, properties, assets,  
20 franchises, rights and privileges and the assumption by the Town  
21 of Fort Kent of all outstanding debts, obligations and  
22 liabilities of the Fort Kent Utility District pursuant to  
23 sections 1 and 2 and the subsequent use of the plants,  
24 properties, assets, franchises, rights and privileges by the town  
25 within the limits of the district are subject to the approval of  
26 the Public Utilities Commission as may be required by the Maine  
27 Revised Statutes, Title 35-A, Part 1.

28 **Sec. 4. Contracts of Fort Kent Utility District.** All contracts  
29 between the Fort Kent Utility District and any person, firm or  
30 corporation relating to supplying water or sewer service that are  
31 in effect on the date of the transfer by the district to the Town  
32 of Fort Kent are assumed and carried out by the town.

34 **Sec. 5. Dissolution and termination of Fort Kent Utility District;  
35 pledge of revenues.** If all debts, obligations and other  
36 liabilities of the Fort Kent Utility District are paid in full  
37 and discharged or the holders or owners of all debts, obligations  
38 and other liabilities that have not been paid in full and  
39 discharged have assented to the assumption of the debts,  
40 obligations and other liabilities by the Town of Fort Kent and to  
41 the notation and substitution of the town as obligor in place of  
42 the Fort Kent Utility District, when the transfer of properties  
43 pursuant to sections 1 and 2 is complete, the clerk of the Fort  
44 Kent Utility District shall file a certificate to that effect  
45 with the Secretary of State and the corporate existence of the  
46 Fort Kent Utility District terminates. After filing the  
47 certificate with the Secretary of State, the clerk of the Fort  
48 Kent Utility District shall submit legislation to repeal Private  
49 and Special Law 1991, chapter 103.  
50

2           Until the corporate existence of the Fort Kent Utility  
3 District is terminated pursuant to this section, the gross  
4 revenues derived by the Town of Fort Kent from the sale of water  
5 and sewer service within the area comprising the limits of the  
6 district must be applied first to the payment of expenses and 2nd  
7 to payments of debts, obligations and other liabilities of the  
8 Fort Kent Utility District assumed by the town pursuant to this  
9 Act.

10

11           **Sec. 6. Existing laws not affected; rights conferred subject to**  
12 **provisions of law.** Nothing in this Act is intended to repeal or  
13 may be construed as repealing the whole or any part of any  
14 existing law and all the rights and duties described in this Act  
15 must be exercised and performed in accordance with all the  
16 applicable provisions of and amendatory acts to the Maine Revised  
17 Statutes, Title 35-A to the extent that Title and its amendments  
18 affect the operations of the district.

19           **Sec. 7. Emergency clause; referendum; effective date.** In view of  
20 the emergency cited in the preamble, this Act takes effect when  
21 approved only for the purpose of permitting its submission to the  
22 legal voters of the Town of Fort Kent at a special town meeting  
23 called and held for the purpose not later than December 31,  
24 1999. The meeting must be called, advertised and conducted  
25 according to the law relating to municipal elections, except that  
26 the registrar of voters of the Town of Fort Kent is not required  
27 to prepare or the clerk to post a new list of voters. For the  
28 purposes of registration of voters, the registrar of voters in  
29 the Town of Fort Kent must be in session the secular day next  
30 preceding the election. The subject matter of this Act must be  
31 reduced to the following question:

32  
33           "Do you favor the dissolution of the Fort Kent Utility  
34 District and the transfer of the district's assets to the  
35 Town of Fort Kent?"  
36

37           The voters shall indicate by a cross or check mark placed  
38 against the words "Yes" or "No" their opinion of the same.  
39

40

41           The results must be declared by the municipal officers of  
42 the Town of Fort Kent and due certificate of the results filed by  
43 the town clerk with the Secretary of State.  
44

45           This Act takes effect for all the purposes immediately upon  
46 acceptance by a majority of the legal voters voting at the  
47 meeting only if the total number of votes cast for and against  
48 the acceptance of this Act at the meeting equal or exceed 15% of  
49 the total vote for all candidates for Governor cast in the Town  
50 of Fort Kent at the next preceding gubernatorial election, but

2 failure of approval by the necessary percentage of voters at any  
meeting does not prohibit a subsequent meeting or meetings to be  
4 held for the purpose on or before July 1, 2000.

6 **SUMMARY**

8 This bill allows the Fort Kent Utility District to be  
dissolved and the Town of Fort Kent take over the district's  
10 duties.