

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2147

S.P. 794

In Senate, March 4, 2002

An Act Providing for the Supply of Water to the City of Brewer.

(AFTER DEADLINE)

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 "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative LEDWIN of Holden and
Senators: FERGUSON of Oxford, PENDLETON of Cumberland, Representative: FISHER of Brewer.

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

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Sec. 1. Transfer of assets of Brewer Water District. The Brewer Water District shall expeditiously convey, assign and transfer to the City of Brewer, for no consideration:

1. All physical and intangible assets of the Brewer Water District, including all cash, lands, water rights, waters, dams, reservoirs, mains, pipes, service pipes, hydrants, gates, gate-boxes, fixtures, machinery, tools, apparatus, appliances, structures and any other physical element necessary and convenient for providing pure water for domestic, commercial, sanitary and municipal purposes; and

2. All existing contracts or other obligations between the Brewer Water District and any 3rd party. All property, contracts, obligations and franchises of the Brewer Water District must be conveyed subject to all debentures, bonds, mortgages, liens and encumbrances thereon, all of which must be assumed by the City of Brewer.

Sec. 2. Contractual obligations not impaired. In order to avoid any unconstitutional impairment of existing contractual rights, the City of Brewer and, if necessary, the Brewer Water District shall enter into any and all contractual agreements necessary for the City of Brewer to fulfill any contractual obligations of the Brewer Water District, including any existing financial obligations to the Brewer Water District's bondholders.

Sec. 3. Pledge of revenues. In order to carry out the purposes of this Act and notwithstanding the Maine Revised Statutes, Title 30-A, section 5772, the City of Brewer is authorized to issue its notes or bonds in the form of either a general obligation pledge or a revenue pledge, as the municipal officer may determine, to replace or refinance any or all of the existing debts or obligations of the Brewer Water district and is authorized to deliver other instruments evidencing its assumption of the debts, obligations and other liabilities of the Brewer Water District without the need for any further action or approval from the Brewer City Council or the voters of the City of Brewer. Any notes or bonds or other instruments evidencing the city's assumption of the debts, obligations and other liabilities of the Brewer Water District may be issued in the amounts necessary to pay the principal of, premium, if any, and interest on the debts, obligations and other liabilities of the Brewer Water District and may mature up to but not later than the stated maturity date of the debts, obligations and other liabilities of the Brewer Water District.

2 **Sec. 4. Repeal charter of Brewer Water District.** Upon completion
3 of the transfer of assets and obligations of the Brewer Water
4 District provided under this Act, Private and Special Law 1909,
5 chapter 265 and Private and Special Law 1945, chapter 146, as
6 amended, are repealed. The transfer of assets and obligations is
7 deemed complete upon the filing of a certificate to this effect
8 with the Secretary of State. Such certificate must be prepared
9 by the clerk of the City of Brewer once all of the necessary
10 assets and obligations have been transferred to the city from the
11 Brewer Water District. If necessary to carry out the purposes of
12 this Act, the City of Brewer may commence and carry out municipal
13 water service prior to completion of the transfer of assets and
14 obligations of the Brewer Water District and, in such event, the
15 Brewer Water District may continue to exist for the limited
16 purpose of carrying out the requirements of this Act until such
17 time as the transfer of assets and obligations is complete.

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SUMMARY

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21 This bill authorizes the City of Brewer to acquire the
22 assets of the Brewer Water District so that the city may become
23 the supplier of water service to the residents of the City of
24 Brewer. The bill also repeals the charter of the Brewer Water
25 District, except as necessary to carry out the requirements of
26 this Act.