

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1708

H.P. 1215

House of Representatives, December 20, 2005

**An Act To Allow the Buckfield Village Corporation To Be Dissolved
and Combined with the Town of Buckfield**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 14, 2005. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Paris.

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

3 **Whereas,** the Buckfield Village Corporation was created by Private and Special
4 Law 1887, chapter 58; and

5 **Whereas,** while the corporation has broader powers, it currently serves only as a
6 water utility; and

7 **Whereas,** the corporation wishes to dissolve its charter and transfer its water-related
8 operations to the Town of Buckfield; and

9 **Whereas,** it is imperative that action be taken as early as possible to allow for
10 continuity of water-related services provided by the Buckfield Village Corporation; and

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

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

16 **Sec. 1. Town of Buckfield's acquisition of property of Buckfield Village**
17 **Corporation.** The Town of Buckfield acquires, under the terms contained in this Act,
18 all of the plant, properties, assets, franchises, rights and privileges owned by the
19 Buckfield Village Corporation, including, without limitation, lands, buildings, waters,
20 water rights, springs, wells, filtration plants, reservoirs, tanks, standpipes, mains, pumps,
21 pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances
22 used or useful in supplying water for domestic, sanitary, commercial, industrial and
23 municipal purposes.

24 The consideration paid is the assumption by the Town of Buckfield of all of the
25 outstanding debts, obligations and liabilities of the Buckfield Village Corporation,
26 including, without limitation, the assumption by the town of any outstanding notes or
27 bonds of the Buckfield Village Corporation that are due on or after the date of transfer.

28 **Sec. 2. Buckfield Village Corporation required to sell property to town.**
29 The Buckfield Village Corporation, a municipal corporation organized and existing
30 pursuant to Private and Special Law 1887, chapter 58, as amended, under the terms
31 contained in this Act shall sell, transfer and convey to the Town of Buckfield by
32 appropriate instruments of conveyance all of the Buckfield Village Corporation's plants,
33 properties, assets, franchises, rights and privileges, including, without limitation, lands,
34 buildings, waters, water rights, springs, wells, filtration plants, reservoirs, tanks,
35 standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools,
36 equipment and appliances used or useful in supplying water for domestic, commercial,
37 industrial and municipal purposes, in consideration of the assumption by the Town of
38 Buckfield of all of the outstanding debts, obligations and liabilities of the Buckfield
39 Village Corporation, including, without limitation, the assumption of any outstanding
40 notes or bonds of the Buckfield Village Corporation that are due on or after the date of
41 transfer.

1 **Sec. 3. Approval of Public Utilities Commission.** The transfer by the
2 Buckfield Village Corporation of its plant, properties, assets, franchises, rights and
3 privileges and the assumption by the Town of Buckfield of all outstanding debts,
4 obligations and liabilities of the Buckfield Village Corporation pursuant to sections 1 and
5 2 and the subsequent use of the plants, properties, assets, franchises, rights and privileges
6 by the town within the limits of the corporation are subject to the approval of the Public
7 Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part
8 1.

9 **Sec. 4. Contracts of Buckfield Village Corporation.** All contracts between
10 the Buckfield Village Corporation and any person, firm or corporation relating to
11 supplying water service that are in effect on the date of the transfer by the corporation to
12 the Town of Buckfield are assumed and must be carried out by the town.

13 **Sec. 5. Dissolution and termination of Buckfield Village Corporation;
14 pledge of revenues.** If all debts, obligations and other liabilities of the Buckfield
15 Village Corporation are paid in full and discharged, or the holders or owners of all debts,
16 obligations and other liabilities that have not been paid in full and discharged, have
17 assented to the assumption of the debts, obligations and other liabilities by the Town of
18 Buckfield and to the notation and substitution of the town as obligor in place of the
19 Buckfield Village Corporation, when the transfer of properties pursuant to sections 1 and
20 2 is complete, the clerk of the Buckfield Village Corporation shall file a certificate to that
21 effect with the Secretary of State and the corporate existence of the Buckfield Village
22 Corporation terminates. After filing the certificate with the Secretary of State, the clerk
23 of the Buckfield Village Corporation shall submit legislation for introduction to the
24 Legislature to repeal Private and Special Law 1887, chapter 58, as amended.

25 Until the corporate existence of the Buckfield Village Corporation is terminated
26 pursuant to this section, the gross revenues derived by the Town of Buckfield from the
27 sale of water service in the area within the limits of the corporation must be applied first
28 to the payment of expenses and 2nd to payments of debts, obligations and other liabilities
29 of the Buckfield Village Corporation assumed by the town pursuant to this Act.

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

36 **Sec. 7. Emergency clause; referendum; effective date.** In view of the
37 emergency cited in the preamble, this Act takes effect when approved only for the
38 purpose of permitting its submission to the legal voters of the Town of Buckfield at a
39 special town meeting called and held for the purpose not later than December 31, 2006.
40 The meeting must be called, advertised and conducted according to the law relating to
41 municipal elections, except that the registrar of voters of the Town of Buckfield is not
42 required to prepare or the clerk to post a new list of voters. For the purpose of
43 registration of voters, the registrar of voters in the Town of Buckfield must be in session
44 the secular day next preceding the election. The subject matter of this Act must be
45 reduced to the following question:

1 "Do you favor the dissolution of the Buckfield Village Corporation and
2 the transfer of the corporation's assets to the Town of Buckfield?"

3 The voters shall indicate by a cross or check mark placed against the word "Yes" or
4 "No" their opinion of the same.

5 The results must be declared by the municipal officers of the Town of Buckfield and
6 due certificate of the results must be filed by the town clerk with the Secretary of State.

7 This Act takes effect for all other purposes immediately upon acceptance by a
8 majority of the legal voters voting at the meeting only if the total number of votes cast for
9 and against the acceptance of this Act at the meeting equals or exceeds 15% of the total
10 vote for all candidates for Governor cast in the Town of Buckfield at the next preceding
11 gubernatorial election, but failure of approval by the necessary percentage of voters at
12 any meeting does not prohibit a subsequent meeting or meetings to be held for the same
13 purpose on or before July 1, 2007.

14 **SUMMARY**

15 This bill authorizes the Buckfield Village Corporation to be dissolved and combined
16 with the Town of Buckfield.