

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1075, L.D. 1525, Bill, "An Act To Amend the Charter of the Buckfield Village Corporation"

Amend the bill by striking out the title and substituting the following:

'An Act To Create the Buckfield Water District'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. Territory. The inhabitants of and the territory within that part of the Town of Buckfield described as follows constitute a standard district under the name of the Buckfield Water District, referred to in this Act as "the district," for the purpose of supplying the district and the inhabitants of the district with pure water for domestic, commercial, sanitary, industrial, agricultural and municipal purposes: Buckfield Tax Map 6, Block 1, Parcel 14; Buckfield Tax Map 6, Block 2, Parcels 1 and 2; Buckfield Tax Map 6, Block 3, Parcels 1, 3, 5, 27, 27.1, 28, 29, 30, 31, 32, 34, 34.1, 35 and 35.1; Buckfield Tax Map 6, Block 4, Parcels 1.2 and 3; Buckfield Tax Map 7, Block 4, Parcels 10, 10A, 11, 12 and 21; Buckfield Tax Map 12, Block 1, Parcels 1, 2, 2.1, 3, 3.1, 4, 4.1, 4.2, 5, 6, 7, 8, 9, 9.1, 12, 14, 15 and 17; Buckfield Tax Map 12, Block 2, Parcels 2, 5, 6, 7, 7.1, 8, 9, 9.1 and 9.2; Buckfield Tax Map 12, Block 3, Parcels 2, 3, 4, 5, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13 and 6.14; Buckfield Tax Map 12, Block 4, Parcels 3, 3.2, 6, 7 and 8; Buckfield Tax Map 12, Block 8, Parcels 6, 7, 8, 8A, 9, 10, 12, 14, 15, 16, 17 and 20; Buckfield Tax Map 12, Block 9, Parcels 1, 1.1, 1.2, 2, 3, 4, 5, 6, 6A, 7, 8 and 11; Buckfield Tax Map 12, Block 10, Parcels 1 and 1B; Buckfield Tax Map 13, Block 1, Parcels 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31 and 31.1; Buckfield Tax Map 13, Block 2, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22; Buckfield Tax Map 13, Block 3, Parcels 1, 2, 3, 4, 5, 6, 6A, 7, 8.1, 9, 10, 11, 12, 12A, 13, 14, 17, 17A, 18, 19, 20 and 21; Buckfield Tax Map 14, Block 1, Parcels 1, 2, 3, 4, 5, 6 and 7; Buckfield Tax Map 14, Block 2, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11.1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31; Buckfield Tax Map 14, Block 3, Parcels 1, 2, 3, 4, 5, 6, 7, 8 and 9; as such tax maps existed on April 1, 2009.

COMMITTEE AMENDMENT

1 **Sec. 2. Powers; authority; duties.** The district has all the powers and authority
2 and is subject to all the requirements and restrictions provided in the Maine Revised
3 Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

4 **Sec. 3. Additional powers.** The district is authorized to provide service to
5 customers in the Town of Buckfield outside the territory described in section 1 of this
6 Act.

7 **Sec. 4. Power to take water.** The district is authorized to take, to hold and to
8 convey within the Town of Buckfield and from any part of the town water from any
9 surface water or groundwater source within the town, including but not limited to North
10 Pond.

11 **Sec. 5. Number of trustees.** All of the affairs of the district are managed by a
12 board of trustees composed of 3 members who must reside within the territory of the
13 district and are elected in accordance with the Maine Revised Statutes, Title 35-A, section
14 6410. The terms of the first board are determined in accordance with Title 35-A, section
15 6410. Vacancies are filled in accordance with Title 35-A, section 6410.

16 **Sec. 6. Acquisition of property of Buckfield Village Corporation.** This
17 section and sections 7 and 8 of this Act are contingent on the following, referred to in this
18 Act as "the precondition": the achievement by the Buckfield Village Corporation, a
19 corporation organized and existing pursuant to Private and Special Law 1887, chapter 58,
20 as amended, and the district of a restructuring, refinancing or other rearrangement of the
21 outstanding debt of the Buckfield Village Corporation in a manner acceptable to the
22 holder of the debt, the district and the corporation that allows the district to assume that
23 debt under the terms of this Act. If the precondition is met, the district acquires under the
24 terms contained in this charter all of the plant, properties, assets, franchises, rights and
25 privileges owned by the Buckfield Village Corporation, including, without limitation,
26 lands, buildings, piping, plants and other appliances and property used or usable for
27 supplying water for domestic, commercial, sanitary, industrial, agricultural and municipal
28 purposes. The consideration paid for the plant, properties, assets, franchises, rights and
29 privileges is the assumption by the district of all of the outstanding debts, obligations and
30 liabilities of the Buckfield Village Corporation, including, without limitation, the
31 assumption by the district of any outstanding notes or bonds of the Buckfield Village
32 Corporation that are due on or after the date of transfer.

33 **Sec. 7. Buckfield Village Corporation required to sell property to district.**
34 If the precondition is met, the Buckfield Village Corporation shall under the terms
35 contained in this charter sell, transfer and convey to the district by appropriate
36 instruments of conveyance all of its plants, properties, assets, franchises, rights and
37 privileges, including, without limitation, lands, buildings, piping, plants and other
38 appliances and property used or usable for supplying water for domestic, commercial,
39 sanitary, industrial, agricultural and municipal purposes, in consideration of the
40 assumption by the district of all of the outstanding debts, obligations and liabilities of the
41 Buckfield Village Corporation, including, without limitation, the assumption of any
42 outstanding notes or bonds of the Buckfield Village Corporation that are due on or after
43 the date of the transfer.

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Sec. 8. Dissolution and termination of Buckfield Village Corporation; pledge of revenues. If and when all debts, obligations and other liabilities of the Buckfield Village Corporation 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 the debts, to the obligations and other liabilities that have not been paid by the district and to the novation and substitution of the district as obligor in place of the Buckfield Village Corporation and when the transfer of property pursuant to section 7 of this Act is complete, the clerk of the Buckfield Village Corporation shall file a certificate to that effect with the Secretary of State and the corporate existence of the Buckfield Village Corporation terminates. After filing the certificate with the Secretary of State, the clerk of the Buckfield Village Corporation shall submit legislation to repeal Private and Special Law 1887, chapter 58 and all amendatory laws. Until the corporate existence of the Buckfield Village Corporation is terminated pursuant to this section, the gross revenues derived by the Buckfield Village Corporation from the sale of water service within the area comprising the former limits of the Buckfield Village Corporation must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Buckfield Village Corporation assumed by the district pursuant to this charter.

Sec. 9. Statutes not affected; rights conferred subject to provisions of law. Nothing in this charter is intended to repeal or may be construed as repealing the whole or any part of any provision of the Maine Revised Statutes, Title 35-A, and all the rights and duties contained in this charter with respect to water utility functions must be exercised and performed by the district in accordance with all applicable provisions of Title 35-A.

Sec. 10. Referendum; effective date. This Act takes effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature only for the purpose of permitting its submission to the legal voters within the territory described in section 1 of this Act voting at a regular or special election called and held within 2 years after passage of 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 sessions. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Buckfield Water District and transferring assets and liabilities of the Buckfield Village Corporation to the Buckfield Water District?"

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

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election.'

R. S.

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SUMMARY

This amendment replaces the bill. This amendment creates the Buckfield Water District, subject to local referendum approval. It also requires the Buckfield Village Corporation to transfer all of its assets and liabilities to the district, if the corporation and the district are able to arrange for the existing debt of the corporation to be assumed by the district.