

MAINE STATE LEGISLATURE

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L.D. 1814

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Date: 3/8/22

(Filing No. S-433)

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ENERGY, UTILITIES AND TECHNOLOGY

4

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STATE OF MAINE

6

SENATE

7

130TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT " A " to S.P. 641, L.D. 1814, "An Act To Repeal the
10 St. Francis Water District Charter and Direct the Town of St. Francis To Assume, Maintain
11 and Operate the Property of the District"

12

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

13

**'An Act To Transfer the St. Francis Water District to the Town of St. Francis and To
14 Repeal the St. Francis Water District Charter'**

15

Amend the bill by inserting after the title and before the enacting clause the following:

16

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

18

Whereas, the St. Francis Water District was created by Private and Special Law 1989,
19 chapter 51; and

20

Whereas, the St. Francis Water District presently provides water service to St. Francis
21 area residents; and

22

Whereas, this legislation provides for the transfer of the functions and assets of the
23 St. Francis Water District to the Town of St. Francis, subject to a local referendum vote;
24 and

25

Whereas, the district and the town are seeking to accomplish the transfer as soon as
26 possible to ensure the health and welfare of persons receiving water service and intend to
27 hold the referendum vote on March 28, 2022; and

28

Whereas, in the judgment of the Legislature, these facts create an emergency within
29 the meaning of the Constitution of Maine and require the following legislation as
30 immediately necessary for the preservation of the public peace, health and safety; now,
31 therefore,'

32

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

33

COMMITTEE AMENDMENT

- 1 **'Sec. 1. P&SL 1989, c. 51**, as amended, is repealed.
- 2 **Sec. 2. Town of St. Francis’s acquisition of property of St. Francis Water**
- 3 **District.** The Town of St. Francis shall acquire, under the terms contained in this Act, all,
- 4 and not less than all, of the plants, properties, assets, franchises, rights and privileges owned
- 5 by the St. Francis Water District, including, without limitation, all lands, buildings, waters,
- 6 water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery,
- 7 fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in
- 8 supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The
- 9 consideration to be paid for the plants, properties, assets, franchises, rights and privileges
- 10 is the assumption by the Town of St. Francis of all of the outstanding debts, obligations
- 11 and liabilities of the St. Francis Water District, including, without limitation, the
- 12 assumption by the Town of St. Francis of any outstanding notes or bonds of the St. Francis
- 13 Water District that are due on or after the date of the transfer.
- 14 **Sec. 3. St. Francis Water District required to sell property to Town of St.**
- 15 **Francis.** The St. Francis Water District, a public municipal corporation organized and
- 16 existing pursuant to Private and Special Law 1989, chapter 51, as amended by Private and
- 17 Special Law 2005, chapter 33, under the terms contained in this Act, shall sell, transfer and
- 18 convey to the Town of St. Francis by appropriate instruments of conveyance all, and not
- 19 less than all, of its plants, properties, assets, franchises, rights and privileges, including,
- 20 without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs,
- 21 tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services,
- 22 tools, equipment and appliances used or useful in supplying water for domestic, sanitary,
- 23 commercial, industrial and municipal purposes, in consideration of the assumption by the
- 24 Town of St. Francis of all of the outstanding debts, obligations and liabilities of the St.
- 25 Francis Water District, including, without limitation, the assumption of any outstanding
- 26 notes or bonds of the St. Francis Water District that are due on or after the date of the
- 27 transfer. The transfer in accordance with this section must occur before January 1, 2024.
- 28 **Sec. 4. Approval of Public Utilities Commission.** The sale and transfer by the
- 29 St. Francis Water District to the Town of St. Francis of its plants, properties, assets,
- 30 franchises, rights and privileges; the acquisition of them by the Town of St. Francis and the
- 31 assumption by the Town of St. Francis of all of the outstanding debts, obligations and
- 32 liabilities of the St. Francis Water District pursuant to sections 2 and 3; and the subsequent
- 33 use thereof by the Town of St. Francis within the limits of the town are subject to such
- 34 approval of the Public Utilities Commission as may be required by applicable provisions
- 35 of the Maine Revised Statutes, Title 35-A.
- 36 **Sec. 5. Contracts of St. Francis Water District assumed by Town of St.**
- 37 **Francis.** All contracts between the St. Francis Water District and any person, firm or
- 38 corporation relating to supplying water that are in effect on the date of the transfer by the
- 39 St. Francis Water District to the Town of St. Francis are assumed and must be carried out
- 40 by the Town of St. Francis.
- 41 **Sec. 6. Dissolution and termination of St. Francis Water District; pledge of**
- 42 **revenues.** Prior to January 1, 2024, all debts, obligations and other liabilities of the St.
- 43 Francis Water District must be paid in full and discharged or the holders or owners of all
- 44 debts, obligations and other liabilities that have not been paid in full and discharged must
- 45 have assented to the assumption thereof by the Town of St. Francis and to the novation and

1 substitution of the Town of St. Francis as obligor in place of the St. Francis Water District.
 2 The clerk of the St. Francis Water District shall file a certificate to that effect with the
 3 Secretary of State, which results in the termination and cessation of the St. Francis Water
 4 District. Until the corporate existence of the St. Francis Water District ceases and
 5 terminates pursuant to this section, the gross revenues derived by the Town of St. Francis
 6 from the sale of water within the area comprising the former limits of the district must be
 7 applied first to the payment of expenses reasonably allocable to the operation of the water
 8 systems and 2nd to payments of debts, obligations and other liabilities of the St. Francis
 9 Water District assumed by the Town of St. Francis pursuant to this Act.

10 **Sec. 7. Referendum; effective date; certificate to Secretary of State.** In view
 11 of the emergency cited in the preamble, this Act takes effect when approved only for the
 12 purpose of permitting its submission to the legal voters of the Town of St. Francis at a
 13 regular election or at a special election called and held for the purpose not later than
 14 December 31, 2022. The election must be called, advertised and conducted according to
 15 the law relating to municipal elections, except that the registrar of voters of the Town of
 16 St. Francis is not required to prepare nor the clerk to post a new list of voters. For the
 17 purpose of registering voters, the registrar of voters must be in session on the regular work
 18 day preceding the election. The subject matter of this Act must be reduced to the following
 19 question:

20 "Do you favor the dissolution of the St. Francis Water District and the
 21 acquisition of the assets and liabilities of the St. Francis Water District by
 22 the Town of St. Francis?"

23 The result of the vote must be declared by the municipal officers of the Town of St.
 24 Francis and due certificate of the vote must be filed by the town clerk with the Secretary of
 25 State. If a majority of the legal voters of the town of St. Francis voting at a regular or special
 26 election called and held not later than December 31, 2022 vote in favor of the question, the
 27 provisions of this Act other than section 1 take effect for all purposes upon certification of
 28 that vote, and section 1 of this Act takes effect for all purposes 90 days after the
 29 adjournment of the Second Regular Session of the 131st Legislature.'

30 Amend the bill by adding before the summary the following:

31 '**Emergency clause.** In view of the emergency cited in the preamble, this legislation
 32 takes effect when approved, except as otherwise indicated.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 34 number to read consecutively.

35 **SUMMARY**

36 This amendment replaces the bill. The amendment establishes provisions governing
 37 the dissolution of the St. Francis Water District and the Town of St. Francis's assumption
 38 of the district's property, contracts and liabilities. It requires a referendum vote by the Town
 39 of St. Francis to be held no later than December 31, 2022 and, upon acceptance by the
 40 voters, the provisions of the amendment become effective, except that the amendment
 41 makes the repeal of the St. Francis Water District charter effective 90 days after the

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COMMITTEE AMENDMENT "A" to S.P. 641, L.D. 1814 (S-433)

1 adjournment of the Second Regular Session of the 131st Legislature. The amendment adds
2 an emergency preamble and clause.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



130th MAINE LEGISLATURE

LD 1814

LR 2161(02)

An Act To Repeal the St. Francis Water District Charter and Direct the Town of St. Francis To Assume, Maintain and Operate the Property of the District

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-433)
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission as a result of actions taken to approve of the sale and transfer of the St. Francis Water District to the Town of St. Francis are anticipated to be minor and can be absorbed within existing budgeted resources.