

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

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J.S. McCarthy Co., Inc.
Augusta, Maine
1985

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 1

H.P. 51 - L.D. 57

AN ACT for the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Junction Water District.

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

Whereas, the Brownville Junction Water District presently provides water and sewer services to the Brownville Junction area residents; and

Whereas, because of its size the Brownville Junction Water District is unable to afford the services of a full-time manager or to hire full-time maintenance personnel; and

Whereas, efforts to operate the system through the use of a part time management and maintenance personnel have been unsuccessful, with the result that it is unable to continue to provide high quality service to its customers and lack of management has led to cash flow problems endangering its financial stability; and

Whereas, these problems would be solved by combining the functions and assets of the Brownville Junction Water District with the Town of Brownville; and

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

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

Sec. 1. Town of Brownville authorized to acquire property of Brownville Junction Water District. The Town of Brownville may, under the terms contained in this Act, acquire all, but not less than all, of the plant, properties, assets, franchises, rights and privileges owned by the Brownville Junction Water District including, without limitation, all lands, buildings, waters, water rights, springs, wells, res-

ervoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes and also for providing adequate sewerage facilities for collection, discharge and disposition of sewage. The consideration to be paid for them shall be the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Junction Water District including, without limitation, the assumption by the Town of Brownville of any outstanding notes or bonds of the Brownville Junction Water District that are due on or after the date of transfer.

Sec. 2. Brownville Junction Water District required to sell property to the Town of Brownville. Brownville Junction Water District, a quasi-municipal corporation organized and existing pursuant to Private and Special Laws of 1947, chapter 43, shall sell, transfer and convey by appropriate instruments of conveyance all, but not less than all, of its plants, properties, assets, franchises, rights and privileges including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes and for providing adequate sewerage facilities for the collection, discharge and disposition of sewage to the Town of Brownville in consideration of the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Junction Water District including, without limitation, the assumption of any outstanding notes or bonds of the Brownville Junction Water District that are due on or after the date of the transfer.

Sec. 3. Approval of Public Utilities Commission. The sale and transfer by the Brownville Junction Water District to the Town of Brownville of its plant, properties, assets, franchises, rights and privileges; the acquisition of them by the Town of Brownville and the assumption by the Town of Brownville of all of the outstanding debts, obligations and liabilities of the Brownville Junction Water District, pursuant to sections 1 and 2; and the subsequent use thereof by the Town of Brownville within the limits of the town and that part of T.6. R.8, lying within Brownville Junction Water District shall be subject to such approval of the Public Utilities Commission as may be required by applicable provisions of the Revised Statutes, Title 35, Part 1.

Sec. 4. Contracts of Brownville Junction Water District assumed by the Town of Brownville. All contracts between Brownville Junction Water District and any person, firm or corporation relating to supplying water and for the collection, discharge and disposition of sewage, which are in effect on the date of the transfer by the Brownville Junction Water District to the Town of Brownville shall be assumed and carried out by the Town of Brownville.

Sec. 5. Act void, unless property of Brownville Junction Water District is acquired. If the plant, properties, assets, franchises, rights and privileges owned by the Brownville Junction Water District have not been acquired by the Town of Brownville, pursuant to this Act prior to December 31, 1985, this Act shall become void on that date.

Sec. 6. Dissolution and termination of Brownville Junction Water District; pledge of revenues. If and when all debts, obligations and other liabilities of Brownville Junction Water District have been paid in full and discharged or the holders or owners of all such debts, obligations and other liabilities which have not been paid in full and discharged have assented to the assumption thereof by the Town of Brownville and to the novation and substitution of the Town of Brownville as obligor in respect thereto in place of the Brownville Junction Water District, the clerk of Brownville Junction Water District shall file a certificate to that effect with the Secretary of State and the corporate existence of Brownville Junction Water District shall cease and terminate. Until the corporate existence of Brownville Junction Water District shall have ceased and terminated pursuant to this section, the gross revenues derived by the Town of Brownville from the sale of water and the collection, discharge and disposition of sewage within the area comprising the former limits of the district shall be applied first, to the payment of expenses fairly allocable to the operation of the water and sewage disposal systems and 2nd, to payments of debts, obligations and other liabilities of Brownville Junction Water District assumed by the Town of Brownville pursuant to this Act.

Sec. 7. Referendum; effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Town of Brownville at either a regular town meeting or a special town meeting, to be held prior to December 31, 1985.

The clerk of the Town of Brownville shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question:

"Shall the Town of Brownville be authorized to acquire the assets and liabilities of the Brownville Junction Water District and shall the Brownville Junction Water District be dissolved?"

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

This Act shall take effect for all purposes immediately upon its acceptance by a majority of the legal voters at such town meeting and further provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 10% of the total vote for all candidates for Governor cast in the Town of Brownville at the last gubernatorial election.

The result of the vote shall be declared by the municipal officers of the Town of Brownville and due certificate thereof shall be filed by the town clerk with the Secretary of State.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 14, 1985.

CHAPTER 2

S.P. 33 - L.D. 41

AN ACT Relating to Conferring of Degrees by
the Yacht Design Institute Schools.

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

P&SL 1983, c. 64 is amended to read:

Degrees. The YDI Schools, a corporation organized and existing under the laws of the State of Maine, may confer the degrees of Associate in Applied Science and Associate in Science on all students who successfully complete its associate level home study program and the degree of Associate in Applied Science on all students who successfully complete its residential program.

Effective September 19, 1985.
