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H.P. 953

House of Representatives, April 4, 2013

An Act To Dissolve the Lisbon Water Department

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRAFTS of Lisbon. (BY REQUEST)
Cosponsored by Senator MASON of Androscoggin and
Representative: ESPLING of New Gloucester.

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

2 **Sec. 1. Town of Lisbon's acquisition of property of Lisbon Water**
3 **Department.** The Town of Lisbon, referred to in this Act as "the town," acquires, under
4 the terms contained in this Act, all of the plant, properties, assets, franchises, rights and
5 privileges owned by the Lisbon Water Department, referred to in this Act as "the
6 department," including, without limitation, all lands, buildings, waters, water rights,
7 springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures,
8 hydrants, meters, services, tools, equipment and appliances used or useful in supplying
9 water for domestic, sanitary, commercial, industrial and municipal purposes. The
10 consideration paid is the assumption by the town of all of the outstanding debts,
11 obligations and liabilities of the department including, without limitation, the assumption
12 by the town of any outstanding notes or bonds of the department that are due on or after
13 the date of transfer.

14 **Sec. 2. Lisbon Water Department required to sell property to the Town**
15 **of Lisbon.** The department, a quasi-municipal corporation organized and existing
16 pursuant to Private and Special Law 1903, chapter 241, as amended, under the terms
17 contained in this Act, shall sell, transfer and convey to the town by appropriate
18 instruments of conveyance all of its plants, properties, assets, franchises, rights and
19 privileges including, without limitation, lands, buildings, waters, water rights, springs,
20 wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants,
21 meters, services, tools, equipment and appliances used or useful in supplying water for
22 domestic, commercial, industrial and municipal purposes, in consideration of the
23 assumption by the town of all of the outstanding debts, obligations and liabilities of the
24 department including, without limitation, the assumption of any outstanding notes or
25 bonds of the department that are due on or after the date of the transfer.

26 **Sec. 3. Approval of Public Utilities Commission.** The sale and transfer by the
27 department to the town of its plants, properties, assets, franchises, rights and privileges
28 and the assumption by the town of all of the outstanding debts, obligations and liabilities
29 of the department pursuant to sections 1 and 2 and the subsequent use of the plants,
30 properties, assets, franchises, rights and privileges by the town within the limits of the
31 town are subject to the approval of the Public Utilities Commission as may be required by
32 the Maine Revised Statutes, Title 35-A, Part 1.

33 **Sec. 4. Contracts of Lisbon Water Department assumed by the Town of**
34 **Lisbon.** All contracts between the department and any person, firm or corporation
35 relating to supplying water that are in effect on the date of the transfer by the department
36 to the town are to be assumed, performed and carried out by the town.

37 **Sec. 5. Dissolution and termination of Lisbon Water Department; pledge**
38 **of revenues.** If all debts, obligations and other liabilities of the department have been
39 fully assumed, paid in full and discharged or the holders or owners of all debts,
40 obligations and other liabilities that have not been paid in full and discharged have
41 assented to the assumption of the debts, obligations and other liabilities by the town and
42 to the notation and substitution of the town as obligor in respect thereto in place of the

1 department and, when the transfer of property pursuant to section 3 is complete, the clerk
2 of the department shall file a certificate to that effect with the Secretary of State and the
3 corporate existence of the department terminates. Until the corporate existence of the
4 department is terminated pursuant to this section, the gross revenues derived by the town
5 from the sale of water in the area comprising the former limits of the department must be
6 applied first to the payment of expenses and 2nd to payments of debts, obligations and
7 other liabilities of the department assumed by the town pursuant to this Act.

8 **Sec. 6. P&SL 1903, c. 241**, as amended, is repealed.

9 **Sec. 7. Referendum procedure; submission at election; form of question;**
10 **effective date.** This Act must be submitted to the legal voters of the Town of Lisbon
11 voting at the next regularly scheduled municipal election scheduled for Tuesday,
12 November 5, 2013. This election must be called, advertised and conducted in accordance
13 with the laws and regulations relating to municipal referendum elections, except that the
14 registrar of voters of the Town of Lisbon is not required to prepare or the clerk to post a
15 new list of voters. For the purpose of registration of voters, the registrar of voters of the
16 Town of Lisbon must be in session the secular day next preceding the election. The
17 subject matter of this Act is reduced to the following question:

18 "Do you favor the dissolution of the Lisbon Water Department and the
19 acquisition of the assets and liabilities of the Lisbon Water Department
20 by the Town of Lisbon?"

21 The voters shall indicate by a cross or check mark placed against the word "Yes" or
22 "No" their opinion on the question.

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

26 This Act, except for section 6, takes effect for all purposes immediately upon its
27 approval by a majority of the legal voters of the Town of Lisbon voting at the election.
28 Failure to achieve the necessary approval in any referendum does not prohibit subsequent
29 referenda consistent with this section if the referenda are held prior to January 1, 2015.

30 Section 6 of this Act takes effect when the Secretary of State receives valid notice of
31 dissolution and termination of the Lisbon Water Department pursuant to section 5.

32 **SUMMARY**

33 This bill dissolves the Lisbon Water Department.