

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 679 - L.D. 1692

An Act to Create the Guilford-Sangerville Utilities District

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

Whereas, the residents of the Town of Guilford and the Town of Sangerville are in immediate need of forming a joint utility for the purposes of cost savings and rate stabilization; 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. Territorial limits; corporate name; purposes. The inhabitants and territory within the Town of Guilford and the Town of Sangerville, in the County of Piscataquis, constitute a public municipal corporation under the name of "Guilford-Sangerville Utilities District," referred to in this Act as "the district," for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes and to construct, maintain, operate and provide the sewers with all their appurtenances.

Sec. 2. Source of supply. The district, for the purposes of its incorporation, is authorized to take, collect, store, hold, divert, use, flow, detain and distribute water from any lake, pond, stream or river and from any surface or underground brook, spring or vein of water in the Town of Guilford and the Town of Sangerville and from any other source from which the Guilford-Sangerville Water District is now authorized to take water, including sources outside the Town of Guilford and the Town of Sangerville.

Sec. 3. Powers; authority; duties. The district has all the powers and authority and is subject to all the requirements and restrictions provided to a water district in the Maine Revised Statutes, Title 35-A, chapter 64 and a sewer district in Title 38, chapter 10. The district may also supply existing customers of the Guilford-Sangerville Water District

in the Town of Parkman and the Town of Abbot, in the County of Piscataquis, with pure water for domestic, sanitary, manufacturing and municipal purposes.

Sec. 4. Number of trustees. The board of trustees of the district is composed of 5 trustees. Three trustees must be appointed from the Town of Guilford and 2 trustees must be appointed from the Town of Sangerville. A trustee must live within the municipality the trustee is appointed to represent.

Sec. 5. First board. The first board of trustees of the district is appointed by the municipal officers of the Town of Guilford and the municipal officers of the Town of Sangerville. The terms of the first board are governed by the Maine Revised Statutes, Title 35-A, section 6410 and Title 38, section 1036.

Sec. 6. Terms of trustees. After the appointment of the first board of trustees of the district, trustees are appointed to 3-year terms.

Sec. 7. Acquisition of property; assumption of debts. The district, through its trustees, shall acquire by purchase in accordance with this section all of the plants, properties, assets, franchises, rights and privileges of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes and shall, by appropriate instruments, assume, in accordance with this section, all of the outstanding debts, obligations and liabilities of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District, including, without limitation, the assumption of any outstanding bonds, notes or other evidences of indebtedness of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District that are due on or after the date of transfer.

Sec. 8. Sale of property; assumption of debts. The Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District shall, in accordance with this section, sell, transfer and convey to the district by appropriate instruments of conveyance all of their plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment, apparatus and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the district of all of the outstanding debts, obligations and liabilities of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District including, without limitation, the assumption of any outstanding bonds, notes or evidences of indebtedness of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District that are due on or after the date of the transfer.

Sec. 9. Transfer of contracts, permits and licenses. All contracts between the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District and any person, firm or corporation that are in effect on the date of acquisition pursuant to section 7 are assumed and must be carried out by the district. All permits and licenses held by the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District that are in effect on the date of acquisition pursuant to section 7 are assumed by the district.

Sec. 10. Approval of Public Utilities Commission. The sale and transfer by the Guilford-Sangerville Water District to the district of its plants, properties, assets, franchises, rights and privileges and the assumption by the district of the Guilford-Sangerville Water District's outstanding debts, obligations and liabilities and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, Part 1.

Sec. 11. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Guilford and the Town of Sangerville at a referendum called for that purpose and held after May 1, 2023, but within 2 years after the effective date of this Act. The referendum must be called by the municipal officers of the respective towns and must be held at the regular voting places. The referendum must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the proposed district as described in this Act. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session the regular workday preceding the referendum. The subject matter of this Act is reduced to the following question:

"Do you favor creating the Guilford-Sangerville Utilities District and permitting the Guilford-Sangerville Utilities District to acquire the assets and assume the liabilities of the Guilford-Sangerville Water District and the Guilford-Sangerville Sanitary District?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. The results must be declared by the municipal officers of the Town of Guilford and the municipal officers of the Town of Sangerville, and due certificate of the results filed by the clerks with the Secretary of State. This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters of each town voting at the referendum. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years after the effective date of this Act. If, after May 1, 2023, but prior to approval of this Act, a referendum on the question specified in this section is held in accordance with this section and a majority of the legal voters of each town voting at the referendum casts votes in favor of the question and due certificate of the results are filed with the Secretary of State, this Act takes effect when approved.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.