

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Dissolve the Lisbon Water Department

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

Sec. 1. Town of Lisbon's acquisition of property of Lisbon Water Department. The Town of Lisbon, referred to in this Act as "the town," acquires, under the terms contained in this Act, all of the plant, properties, assets, franchises, rights and privileges owned by the Lisbon Water Department, referred to in this Act as "the department," 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, sanitary, commercial, industrial and municipal purposes. The consideration paid is the assumption by the town of all of the outstanding debts, obligations and liabilities of the department including, without limitation, the assumption by the town of any outstanding notes or bonds of the department that are due on or after the date of transfer.

Sec. 2. Lisbon Water Department required to sell property to the Town of Lisbon. The department, a quasi-municipal corporation organized and existing pursuant to Private and Special Law 1903, chapter 241, as amended, under the terms contained in this Act, shall sell, transfer and convey to the town by appropriate instruments of conveyance all of its 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 and appliances used or useful in supplying water for domestic, commercial, industrial and municipal purposes, in consideration of the assumption by the town of all of the outstanding debts, obligations and liabilities of the department including, without limitation, the assumption of any outstanding notes or bonds of the department that are due on or after the date of the transfer.

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

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

Sec. 5. Dissolution and termination of Lisbon Water Department; pledge of revenues. If all debts, obligations and other liabilities of the department have been fully assumed, 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, obligations and other liabilities by the town and to the notation and substitution of the town as obligor in respect thereto in place

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

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

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

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

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

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

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

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

SUMMARY

This bill dissolves the Lisbon Water Department.