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An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield

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

Whereas, the Buckfield Village Corporation was created by Private and Special Law 1887, chapter 58; and

Whereas, while the corporation has broader powers, it currently serves only as a water utility; and

Whereas, the corporation wishes to dissolve its charter and transfer its water-related operations to the Town of Buckfield; and

Whereas, it is imperative that action be taken as early as possible to allow for continuity of water-related services provided by the Buckfield Village Corporation; 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 Buckfield's acquisition of property of Buckfield Village Corporation. The Town of Buckfield acquires, under the terms contained in this Act, all of the plant, properties, assets, franchises, rights and privileges owned by the Buckfield Village Corporation, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, 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 Buckfield of all of the outstanding debts, obligations and liabilities of the Buckfield Village Corporation, including, without limitation, the assumption by the town of any outstanding notes or bonds of the Buckfield Village Corporation that are due on or after the date of transfer.

Sec. 2. Buckfield Village Corporation required to sell property to town. The Buckfield Village Corporation, a municipal corporation organized and existing pursuant to Private and Special Law 1887, chapter 58, as amended, under the terms contained in this Act shall sell, transfer and convey to the Town of Buckfield by appropriate instruments of conveyance all of the Buckfield Village Corporation's plants, properties, assets, franchises, rights and privileges, including, without limitation, lands, buildings, waters, water rights, springs, wells, filtration plants, 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 Buckfield of all of the outstanding debts, obligations and liabilities of the Buckfield Village Corporation, including, without limitation, the assumption of any outstanding notes or bonds of the Buckfield Village Corporation that are due on or after the date of transfer.

Sec. 3. Approval of Public Utilities Commission. The transfer by the Buckfield Village Corporation of its plant, properties, assets, franchises, rights and privileges and the assumption by the Town of Buckfield of all outstanding debts, obligations and liabilities of the Buckfield Village Corporation 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 corporation 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 Buckfield Village Corporation. All contracts between the Buckfield Village Corporation and any person, firm or corporation relating to supplying water service that are in effect on the date of the transfer by the corporation to the Town of Buckfield are assumed and must be carried out by the town.

Sec. 5. Dissolution and termination of Buckfield Village Corporation; pledge of revenues. If all debts, obligations and other liabilities of the Buckfield Village Corporation are 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 of Buckfield and to the notation and substitution of the town as obligor in place of the Buckfield Village Corporation, when the transfer of properties pursuant to sections 1 and 2 is complete, the clerk of the Buckfield Village Corporation shall file a certificate to that effect with the Secretary of State and the corporate existence of the Buckfield Village Corporation terminates. After filing the certificate with the Secretary of State, the clerk of the Buckfield Village Corporation shall submit legislation for introduction to the Legislature to repeal Private and Special Law 1887, chapter 58, as amended. Until the corporate existence of the Buckfield Village Corporation is terminated pursuant to this section, the gross revenues derived by the Town of Buckfield from the sale of water service in the area within the limits of the corporation must be applied first to the payment of expenses and 2nd to payments of debts, obligations and other liabilities of the Buckfield Village Corporation assumed by the town pursuant to this Act.

Sec. 6. Existing laws not affected; rights conferred subject to provisions of law. Nothing in this Act is intended to repeal or may be construed as repealing the whole or any part of any existing law, and all the rights and duties described in this Act must be exercised and performed in accordance with all the applicable provisions of and amendatory acts to the Maine Revised Statutes, Title 35-A to the extent that Title and its amendments affect the operations of the corporation.

Sec. 7. 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 of the Town of Buckfield at a special town meeting called and held for the purpose not later than December 31, 2006. The meeting must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters of the Town of Buckfield 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 in the Town of Buckfield must be in session the secular day next preceding the election. The subject matter of this Act must be reduced to the following question:

"Do you favor the dissolution of the Buckfield Village Corporation and the transfer of the corporation's assets to the Town of Buckfield?"

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 Buckfield and due certificate of the results must be filed by the town clerk with the Secretary of State. This Act takes effect for all other purposes immediately upon acceptance by a majority of the legal voters voting at the meeting only if the total number of votes cast for and against the acceptance of this Act at the meeting equals or exceeds 15% of the total vote for all candidates for Governor cast in the Town of Buckfield at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any meeting does not prohibit a subsequent meeting or meetings to be held for the same purpose on or before July 1, 2007.