

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 827

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H.P. 561

House of Representatives, March 10, 2015

### **An Act To Amend the Fluoridation Laws To Provide for Customer Choice**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SEAVEY of Kennebunkport.  
Cosponsored by Senator COLLINS of York and  
Representative: DUNPHY of Embden.

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

2 **Sec. 1. 22 MRSA §2653**, as amended by PL 1987, c. 122, §2, is further amended  
3 to read:

4 **§2653. Authorization of fluoridation; general provisions**

5 **1. Requirement for authorization.** ~~No~~ A public water system may not add any  
6 fluoride to any water supply without first having been authorized to do so by the  
7 customers of the public water system or by the registered voters of the affected single or  
8 multiple community water district served by it. Any public water system duly authorized  
9 to add fluoride to any water supply shall do so within ~~9~~ 12 months after being notified in  
10 accordance with this section. ~~The~~ In the case of authorization by registered voters in a  
11 single or multiple community water district, the municipal clerk shall, within 10 days  
12 after the vote, notify the public water system of the vote favoring or not favoring the  
13 addition of fluoride to the public water supply.

14 **2. Form of question.** Any time the issue of whether to fluoridate a public water  
15 supply is submitted to customers of the public water system or the registered voters of a  
16 single or multiple community water district, the question ~~shall~~ must be phrased as  
17 follows: "Shall fluoride be added to the public water supply for the intended purpose of  
18 reducing tooth decay?"

19 **3. Prohibition.** Whenever a customers of the public water system or the registered  
20 voters of the single community water district ~~has~~ is served by the public water system have  
21 approved fluoridation, ~~it~~ they may not again vote on the matter for a minimum period of 2  
22 years from the date of installation of fluoride. Whenever a customers of the public water  
23 system or the registered voters of the single community water district ~~has~~ is served by the  
24 public water system have disapproved fluoride, ~~it~~ the voters may not vote again on the  
25 matter for a minimum period of 2 years. Whenever a customers of the public water  
26 system or the registered voters of the multiple community water district ~~has~~ is served by the  
27 public water system have approved fluoridation, ~~it~~ the voters may not vote again on the  
28 matter until the first general election after 2 years from the date of installation of fluoride.  
29 Whenever a customers of the public water system or the registered voters of the multiple  
30 community water district ~~disapproves~~ is served by the public water system disapprove  
31 fluoride, ~~it~~ the voters may not vote again on the matter until the next general election.

32 **4. Authorization not required.** The authorization required by subsection 1 ~~shall~~  
33 does not apply to any public water supply ~~which~~ that receives or purchases less than 50%  
34 of its total annual water supply from another public water supply authorized to add  
35 fluoride to its water supply.

36 **Sec. 2. 22 MRSA §2654, sub-§1**, as amended by PL 1991, c. 824, Pt. A, §43, is  
37 repealed and the following enacted in its place:

38 **1. Single community water districts.** In a single community water district, the vote  
39 on the issue of fluoridation must be called:

40 A. By a majority vote of the municipal officers acting on their own initiative;

1            B. Pursuant to a petition meeting the requirements established for a referendum vote  
2            by the municipality's home rule charter or, if the municipality has no home rule  
3            charter, as provided by Title 30-A, section 2522; or

4            C. Pursuant to a petition by 15% of the customers of the public water system or  
5            1,000 customers, whichever is less.

6            **Sec. 3. 22 MRSA §2654, sub-§2**, as amended by PL 1987, c. 122, §4, is further  
7            amended to read:

8            **2. Multiple community water districts.** In the case of a multiple community water  
9            district, authorization ~~shall~~ must be by a majority vote of the customers of the water  
10           district or by a majority vote of those voting at a multiple community water system  
11           district-wide election. A valid request for an election on whether or not to authorize the  
12           addition of fluoride may be made in ~~either~~ one of the following ways.

13           A. A valid request for an election ~~shall have been~~ is made when a majority of  
14           municipal officers, in a majority of municipalities within a multiple community water  
15           system district, vote to call an election. All such votes must be taken at least 90 days  
16           before the general election. Each voting municipality shall certify within 5 days to all  
17           other municipalities within the public water system district the results of its vote.

18           A multiple community water system district-wide election ~~shall~~ must take place in  
19           each municipality within the district if, on the basis of the certificates, a majority of  
20           municipal officers within a majority of the municipalities in the district have called  
21           for an election.

22           B. A valid request for election ~~shall have been~~ is made when a number of registered  
23           voters within a multiple community water district equal to at least 10% of the total  
24           number of votes cast for Governor at the last gubernatorial election in all  
25           municipalities, wholly or partially within the multiple community water district, file a  
26           petition in accordance with section 2655.

27           C. A valid request for an election is made pursuant to a petition by 15% of the  
28           customers of the public water system or 1,000 customers, whichever is less.

29           **Sec. 4. 22 MRSA §2655, sub-§1**, as enacted by PL 1987, c. 737, Pt. C, §65 and  
30           Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
31           further amended to read:

32           **1. Circulation.** Any time the issue of whether to fluoridate a public water supply is  
33           submitted to the voters in multiple community water districts pursuant to petition as  
34           authorized by section 2654, subsection 2, paragraph B, the petition or petitions ~~shall~~ must  
35           be circulated and signed in the manner prescribed by Title 30-A, section 2503, subsection  
36           3, paragraph B, subparagraphs (2) and (3), and ~~shall~~ must be dated and gathered within  
37           the time frame prescribed by the Constitution of Maine, Article IV, Part Third, Section  
38           18, Subsection 2.

39           **Sec. 5. 22 MRSA §2656**, as amended by PL 1987, c. 122, §§7 and 8, is further  
40           amended to read:

1           **§2656. Elections**

2           **1. Multiple community water system district-wide elections.** In the case of public  
3 systems serving more than one municipality, in whole or in part, elections ~~shall~~ requested  
4 pursuant to section 2654, subsection 2, paragraph A or B must be held simultaneously in  
5 all municipalities served by the water system at the first general election following the  
6 certification of a request for an election on the issue of whether or not to fluoridate the  
7 water supply. Those eligible to vote ~~shall~~ must be ~~all~~ registered voters within affected  
8 single-service municipalities and ~~all~~ registered voters within the affected public water  
9 system zone of multiservice municipalities. The following provisions apply to all multiple  
10 community water system district-wide elections.

11           A. Each municipality ~~shall be~~ is responsible for posting a warrant according to the  
12 following requirements.

13                   (1) ~~It shall~~ The warrant must specify the voting place and the time of opening  
14 and closing of polls.

15                   (2) ~~It shall~~ The warrant must specify that the purpose of the election is to  
16 determine the following question: "Shall fluoride be added to the public water  
17 supply for the intended purpose of reducing tooth decay?"

18                   (3) ~~It shall~~ The warrant must specify that a public hearing will be held by the  
19 municipal officers of each municipality at least 10 days before the election date.

20                   (4) ~~It shall~~ The warrant must be signed by a majority of the municipal officers of  
21 the municipality and directed personally to a constable or any resident ordering  
22 ~~him~~ the constable or resident to announce the election.

23                   (5) The person to whom the warrant is directed shall post an attested copy of it in  
24 a conspicuous public place in each voting district of the municipality at least 7  
25 days immediately before the date of the public hearing. ~~He~~ That person shall  
26 make a return on the warrant stating the manner of announcement and the time it  
27 was given and return the warrant to the municipal officers.

28                   (6) The municipal officers shall then deliver the warrant to the clerk who shall  
29 record it.

30           B. Elections ~~shall~~ must be held by secret preprinted ballots.

31           C. Each municipality shall provide for absentee ballots in a manner ~~which~~ that  
32 substantially complies with Title 21-A, chapter 9, subchapter ~~IV~~ 4.

33           **1-A. Elections in single community water districts.** Elections in single community  
34 water districts ~~shall~~ requested pursuant to section 2654, subsection 1, paragraph A or B  
35 must be conducted in the same manner as other municipal elections.

36           **1-B. Elections by customers of a public water system.** Elections by customers of a  
37 public water system requested pursuant to section 2654, subsection 1, paragraph C or by  
38 section 2654, subsection 2, paragraph C must be conducted by the public water system  
39 according to procedures adopted by the public water system. The treasurer of the public  
40 water system shall notify its customers of the results of the election.

