

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

August 2005

Members:

*Sen. Philip L. Bartlett II, Chair
Sen. Scott W. Cowger
Sen. Carol Weston*

*Rep. Lawrence Bliss, Chair
Rep. Herbert Adams
Rep. Peter L. Rines*

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Rep. Everett W. McLeod, Sr.*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Utilities and Energy

LD 982

An Act To Revise the Charter of the Kennebunk Sewer District

**P & S 13
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-183

LD 982 proposed substantially to revise the Kennebunk Sewer District Charter, including adding a provision to the charter allowing for voter petition to hold recall elections for a trustee.

Committee Amendment "A" (H-183) proposed to make a number of clarifying and technical changes to the bill. It also proposed to make the following more substantive changes:

1. Modify the timing of a recall election to allow the election to be called up to 90 days after a recall petition has been certified;
2. Reduce the terms of the trustees from 5 years to 3 years;
3. Preserve a provision of the current charter, proposed to be removed by the bill, allowing district meetings to be called by voter petition;
4. Clarify that the district may contract to provide for the disposal of storm and surface water;
5. Replace a provision granting particular enforcement powers to the district with a provision that cross-references the enforcement power specified in statute for all sewer districts. It also proposed to authorize the district to pursue any other legal remedies that may be available to it under other applicable laws;
6. Clarify that the district is a quasi-municipal corporation pursuant to statutes and that its securities are legal investments; and
7. Add an emergency preamble and emergency clause and modify the referendum language to allow but not require a referendum to be held (to avoid a municipal mandate).

Enacted law summary

Private and Special Law 2005, chapter 13 revises the Kennebunk Sewer District Charter. It makes a variety of changes designed to incorporate into the charter provisions from the Sanitary District Enabling Law, including a provision providing a process for the recall of district trustees. It modifies some provisions that it incorporates. It also reduces the terms of the trustees from 5 years to 3 years; current trustees continue to serve until their terms expire.

Private and Special Law 2005, chapter 13 was enacted as an emergency and took effect on May 20, 2005 but only for the purposes of permitting its submission to the voters of the district in a referendum.