

MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

April 12, 1977

Honorable Thomas M. Teague
House of Representatives
State House
Augusta, Maine

Dear Representative Teague:

We are responding to your request for an opinion of this office concerning referendum procedures included in legislation designed to supplement L.D. 681. The purpose of this legislation is to create the Kennebec Utilities District to be composed of the municipalities of Waterville, Winslow, Fairfield, Benton and Vassalboro (the latter for limited purposes only). The legislation provides that it shall be submitted to the legal voters of the towns of Fairfield, Benton and Vassalboro and to the City Council of Waterville and the Town Council of Winslow for referendum purposes. Your question is:

"What would happen under the terms of the referendum clause if one of the member municipalities of the District voted against accepting the legislation creating the District?"

It is our opinion that rejection of the formation of the District by one of the proposed member municipalities would prevent the legislation from taking effect and would prevent formation of the District. The referendum clause provides for presentation of the referendum question to the appropriate legislative body of each of the municipalities individually rather than to the voters of the proposed District as a whole. The clause also contains the statement; "This Act shall take effect for all the purposes hereof immediately upon acceptance by the municipalities of Waterville, Winslow, Fairfield, Benton and Vassalboro; . . ." The section also provides for resubmission of the question to the appropriate legislative body if the question is not approved by a sufficient number of the voters at the first presentation. Since the legislation clearly intends that all of the

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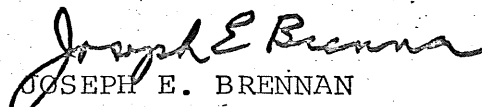
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named municipalities be members of the District and since there is no provision in the legislation for establishment of a smaller district if one or more of the proposed member municipalities reject the legislation, it is clear that rejection by even one municipality will prevent creation of the District.

We trust the foregoing information will be helpful to you.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

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