

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1553

S. P. 475

In Senate, May 26, 1969

Reported by a Majority of the Committee on Health and Institutional Services. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Require Fluoridation of Water Supplies Used for
Public Purposes.

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

Sec. 1. R. S., T. 22, § 2435, repealed and replaced. Section 2435 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2435. —authorization

Any person, firm, corporation, municipality or other agency having jurisdiction over a water supply system used for public purposes as defined by the Commissioner of Health and Welfare, whether publicly or privately owned or operated, shall adjust the quantities of fluoride ion in the said water system so as to maintain a fluoride ion content as required and ordered by the Commissioner of Health and Welfare. The maintenance of this fluoride ion content will be referred to as fluoridation. Bottled waters shall not be considered to be used for public purposes.

The Commissioner of Health and Welfare shall promulgate necessary rules and regulations relating to the fluoridation of said water supplies which shall include, but not be limited to, the following: The means by which the fluoride content is to be controlled; the equipment, installations and procedures by which fluoridation is to be accomplished and conducted; the methods and frequency of testing the fluoride content and the records to be kept relating to fluoridation. The commissioner may issue orders for the fluoridation of any water systems serving any one, or any combination of municipalities at least 6 months before any general election. Said orders shall give at least 6 months' notice of the date of effectiveness of said order, and in no instance

shall said date of effectiveness be less than 3 months after the said next general election. Said order shall be directed to the individuals or organizations responsible for the operation of the water systems affected by the order. A copy of said order shall go to the chief municipal official in each municipality affected by the order. Said official shall give the said order such publicity as he may consider appropriate.

Sec. 2. R. S., T. 22, § 2435-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 2435-A, to read as follows:

§ 2435-A. —referendum

Upon the issuance of orders by the commissioner, the electors resident in said municipalities may, by written petition, request that the question of fluoridation in such municipality or municipalities be placed on a referendum ballot. The number of such petitioners shall not be less than equal to 20% of the total vote cast in said municipality for Governor in the last preceding gubernatorial election. Said petition shall be addressed to and filed with the Secretary of State at such time as he may require. The provisions of section 2435 requiring fluoridation in such municipalities shall not take effect until the result of the referendum vote has been determined. The ballot for each municipality affected by a petition shall carry the following question:

“Shall the public water supply in this municipality be fluoridated?”

The Secretary of State shall prepare and furnish to the several municipalities ballots in the manner and form as prescribed in Title 21, section 702, for constitutional amendment and other questions, together with all such other forms including those for instructions and returns as are prescribed in Title 21.

The electors of the petitioning municipalities shall vote by ballot on said question, those in favor voting “Yes” on their ballots and those opposed “No” and the ballots shall be received, sorted and counted, and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature. The Secretary of State shall notify the clerks of the respective municipalities of the result of the vote.

Upon this ballot no other referendum question shall be printed.

If a majority of the total votes cast in a municipality affected by a petition in answer to the question is in the negative, the public water supply for use in that municipality shall not be fluoridated.

If a majority of the total votes cast in a municipality affected by a petition in answer to the question is in the affirmative, such public water supply shall be fluoridated in accordance with the order of the Commissioner of Health and Welfare.

In the instance of several municipalities being served by the same water system, and where the electors of one or more of said municipalities are petitioning in accordance with this section, the nature of the majority of the sum total votes cast in the municipalities with petitioning electors will determine whether or not the water system serving all of the said municipalities

will be fluoridated regardless of the result of the referendum vote in any one municipality. In all cases, the town or city clerk shall, within 10 days after notice of the result of the vote, notify the person, firm, corporation, municipality or other agency having jurisdiction over the water supply system of the result of the vote.

1. A petition submitted pursuant to this section is governed by the following provisions:

A. Content. It may contain as many separate papers as necessary. It must contain the purpose of the petition including the name of the water supply system and municipalities affected.

B. By whom signed. It may be signed only by voters of the municipalities affected by the petition. Other signatures are void.

C. How signed. It must be signed personally by the voter in the same manner as his name appears on the voting list of his respective municipality.

D. Resident's address. After his name, the voter must personally add his place of residence and his street address. Ditto marks are permitted.

E. Number of signatures required. It must be signed by a total number of voters of all the municipalities affected equal to at least 20% of the total number of votes cast in all the municipalities for Governor at the last gubernatorial election.

F. Check by registrar. A petition must be submitted to the registrar of each municipality concerned before being filed. The registrar shall certify forthwith on the petition which signatures on it are those of voters of that municipality.

G. When filed. The petition must be filed with the Secretary of State at such time as he may require.

On receipt of a petition, the Secretary of State shall review it. If it is incomplete or incorrect on its face he shall advise the person who certified it and allow him to correct it in accordance with the facts. Additional signatures may not be submitted after the date on which the petition must be filed.

The Secretary of State shall determine whether the petition is proper and he shall within 10 days after receipt of the petitions issue a proclamation to the respective clerks of the municipalities concerned of his determination.