

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
105TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H. P. 540, L. D. 753, Bill,
"AN ACT to Require Fluoridation of Some Public Water Supplies."

Amend said Bill by inserting at the end before the Statement
of Fact, the following:

'§ 2435-C. Vote on fluoridation

On written petition of electors, resident in a municipality
served by a public water supply system, the question of whether
the public water supply system in the municipality shall be
fluoridated or fluoridation shall be continued shall be submitted
to the electors. The petition shall be addressed to and filed
with the town or city clerk. The number of petitioners shall be
not less than 15% of the total vote for Governor cast in the last
gubernatorial election preceding the filing of such petition.

If more than one municipality is served by a common public
water supply system, the petition must be signed by the electors
resident in each municipality in the number stated above and
filed with the appropriate clerk. In order to submit the
question to vote of the electors of the municipalities affected,
valid petitions must be filed in each of the municipalities
served by a common public water supply system.

The ballot shall carry the following question if fluoridation
is not already in effect:

"Shall the public water supply in this
municipality be fluoridated?"

If such fluoridation is already in effect, the question shall
be:

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"Shall fluoridation of the public water supply in this municipality be continued?"

Where a public water supply system serves a single municipality, the sections 2435, 2435-A and 2435-B shall be suspended until the result of the vote on the question has been determined, upon the filing of a valid petition.

Where a public water supply system serves more than one municipality, sections 2435, 2435-A and 2435-B shall be suspended until the result of the vote on the question has been determined upon the filing of a valid petition in each municipality.

If such a petition or petitions are filed and sections 2435, 2435-A and 2435-B are suspended, the aldermen, selectmen or governing bodies of municipalities are directed to notify the inhabitants of their respective municipalities to vote upon the question; in a city or town at a regular city or town election and in a town or plantation at an annual town or plantation meeting.

Electors of the municipalities shall vote by secret ballot on the questions, those in favor of fluoridation voting "Yes" on their ballots and those opposed "No." No other referendum question shall be printed upon the ballot.

In a municipality which is the only municipality served by the public water supply system, if a majority of the votes cast is in the negative, the public water supply for use in that municipality shall not be fluoridated or said fluoridation shall be discontinued, as the case may be; if a majority of the votes is in the affirmative such public water supply system shall be fluoridated or continue to

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be fluoridated as the case may be.

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 public water supply system of the result of the vote. Within 7 days after the election the clerk shall file a certificate with the Secretary of State setting forth the number of votes cast, the number voting in the affirmative and the number voting in the negative.

In the instance of several municipalities who are served by the same public water supply system if a majority of the votes cast is in the negative, the public water supply for use in those municipalities shall not be fluoridated or said fluoridation shall be discontinued, as the case may be; if the majority of the votes cast is in the affirmative, such public water supply shall be fluoridated or continue to be fluoridated, as the case may be.

The phrase "majority of the votes cast" shall mean the total of the votes in all the municipalities served by the common public water supply.

In the case of a tie-vote the authorization shall remain as it was before the voting.

Where a public water supply serves more than one municipality each clerk shall make a return to the Secretary of State of the number of votes cast, the number voting in the affirmative and the number voting in the negative. The Secretary of State shall tabulate the returns and notify each clerk and the public water supply system of the results of the election.

Whenever a municipality or municipalities shall approve

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fluoridation they may not vote again on the question for a period of 2 years from the date of fluoridation of the water.

§ 2435-D. Petition

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

1. 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. Petitions must be filed with the clerk of each of the municipalities affected.

2. By whom signed. It may be signed only by voters of the municipalities in which it is to be filed. Other signatures are void.

3. 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.

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

5. Checked 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 are those of the voters of that municipality.

6. When filed. The petition must be filed with the clerk of the respective municipality at least 120 days before the annual election or meeting of the municipality.

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On receipt of petitions the clerks of the respective municipalities shall review them. Additional signatures may not be submitted after the date on which the petition must be filed.

If the clerk is satisfied that there are a sufficient number of valid signatures he shall notify the municipal officers who shall prepare an article to be placed in the warrant for the annual election, if a valid petition has been filed in each municipality served by a common public water supply system. Upon receipt of a valid petition the clerk shall notify, in writing, the clerk of each municipality served by a common public water supply system.

§ 2435-E. Recount

Within 3 days following an election an elector who voted in said election may ask, in writing, for a recount. The request shall be in the following manner.

1. Where the election was in a single municipality the request shall be made to the clerk of the municipality. The clerk shall supervise the recount.

2. Where the election was in several municipalities the request shall be made to the Secretary of State. He shall call in the ballots and check lists from the municipalities involved and conduct the recount.'

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Statement of Fact

The purpose of this amendment is to allow the municipalities served by a public water system and legally allowed to vote on matters pertaining to their public water system, to repeal the provisions of this bill.

Reported by a Minority of the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

4/29/71

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