

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1226

S. P. 364

Referred to the Committee on Public Utilities and ordered printed.

In Senate, March 28, 1977

Sent down for concurrence

MAY M. ROSS, Secretary

Presented by Senator Danton of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning a Referendum under the Maine Sanitary District
Enabling Act.

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

38 MRSA § 1162 is enacted to read:

§ 1162. Referendum vote on action of sanitary district

1. Petition for referendum. The legal voters residing within the territorial boundaries of a sanitary district in operation and approved pursuant to this chapter may, within 90 days following approval by the trustees of a sanitary district of any contract, exercise of eminent domain, issuance of bonds or other action, petition for a referendum vote on that contract, exercise of eminent domain, issuance of bonds or other action. A petition shall contain the signatures of not less than 10% of the legal voters residing within the territorial boundaries of the sanitary district and shall state the specific action of the sanitary district on which a referendum vote is requested. The petition shall, not later than 90 days after approval of that action by the trustees of the sanitary district, be filed as follows:

A. If the district is composed of a single municipality, the petition shall be filed with the municipal officials; or

B. If the district is composed solely of unorganized territories or of more than one municipality, the petition shall be filed with the county commissioners of the county in which the territories or municipalities are located.

2. Public hearing. Within 30 days after the filing of a petition, the municipal officials or county commissioners with whom the petition was

filed shall cause a public hearing to be held thereon, in a municipality or territory within the district.

3. Notice. Notice of the hearing shall be given by the municipal officials or county commissioners in the manner set out in section 1101. The notice shall include a statement of the specific action of the sanitary district on which a referendum is sought.

4. Referendum vote. Within 14 days following a public hearing as set out in subsection 2, the municipal officials or county commissioners with whom the petition was filed, shall cause a referendum vote to be held at which the legal voters residing within the territorial boundaries of the district may vote on whether or not to disapprove of the specific action of the district on which a referendum vote was sought.

5. Results of referendum. Any action of a sanitary district on which a referendum is sought, shall not become final and effective until the results of the referendum have been determined. If a majority of the legal voters voting on a referendum vote to disapprove of an action of the district, the action shall not be effective and the district shall not proceed with that action.

STATEMENT OF FACT

There is presently no provision for referendum procedures within the laws governing sanitary districts. Sanitary districts have the right to assess, float bonds and enter into contracts amounting to substantial amounts of money, yet the voters have no means of petitioning for referendum should they so desire. This bill would give the voters the ability to curb excessive action by their sanitary districts.