

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 964

S. P. 330

In Senate, March 6, 1979

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and 2,000 ordered printed.

Presented by Senator Najarian of Cumberland.

Cosponsors: Senators Collins of Knox and Sutton of Oxford.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Dental Health.

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

22 MRSA § 2652, as enacted by PL 1975, c. 751, § 4, is amended by adding at the end the following to read:

In addition to the foregoing method of authorizing the fluoridation of public water supplies, municipal officers of any municipality may authorize fluoridation of any municipal water supply in the following manner.

1. Municipal officers. As used in this section, the term "municipal officers" means mayor and alderman or councilors of a city, the selectmen of a town and the assessors of a plantation.

2. Municipality. As used in this section, the term "municipality" includes a city, town or plantation.

3. Hearing. Any municipal officer of a municipality may schedule a hearing on fluoridation by causing to be published a notice of the fluoridation hearing in a newspaper of general circulation within the municipality at least 30 days prior to the hearing date, and additionally shall publish a 2nd notice in the same paper not more than 10 days before the hearing. Each notice shall state the time and place of

the public hearing and the manner and time within which data, views or arguments may be submitted for consideration by the municipal officers.

4. **Vote.** After a public hearing on fluoridation, the municipal officers shall vote on whether to fluoridate the municipality's water supply. A majority vote of the municipal officers shall be sufficient to authorize fluoridation and shall be effective 30 days after their vote. If fluoridation is authorized by the municipal officers, any legal voter of the municipality or inhabitant of a town or plantation entitled to vote at an annual or plantation meeting may commence a referendum within 30 days of the date of the vote authorizing fluoridation. The referendum shall be conducted in accordance with all applicable state laws and municipal ordinances. Whenever a municipality approves fluoridation by a majority vote of its elected officials, it may not again vote in any manner on fluoridation for a minimum period of 2 years from the date of installation of fluoride. Any public utility or agency duly authorized to add fluoride to any public water supply shall do so within 9 months after being notified in accordance with this section. In the case of a public utility or agency serving more than one municipality, that authorization shall be by majority vote of the municipal officials of each municipality served by the public utility or agency. Authorization by municipalities representing 80% of the customers served by that public utility or agency will be sufficient.

STATEMENT OF FACT

Maine has the highest incidence of dental disease of all the 50 states. Correction of dental problems that could be prevented is needlessly expensive in terms of family dental bills, medicaid payments and dental clinics supported by taxes. This bill would prevent most dental disease from occurring and thus reduce expenditures for private-paying patients and the State for dental care.

In essence, the law directs the Commissioner of Human Services to determine the fluoride content of a water supply, and, if it is not at an optimum level, to notify the local board of health.

The local board of health having been so notified, if it considers doing so to be in the best interest of the inhabitants of the city, town or district, may order the upward adjustment of the fluoride content of the water supply.

To comply with the provisions of the law, a board of health ordering fluoridation is required to publish its order as a legal notice in a newspaper with circulation in the city or town.

In any city, town or district where the upward adjustment of the fluoride content of a water supply has been ordered, upon petition of 10% of the registered voters filed with the local clerk's office within 90 days of the publication of that order, the question may be placed on the ballot at the next regular city election.

The basic authority of the local board of health shall not apply if 2 or more cities or towns are supplied water from the same source, providing 2 qualifications are met:

1. If the supply of that particular city or town cannot be fluoridated independently; and
2. If the majority of the boards of health representing the cities or towns have voted not to accept those recommendations.