

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1524

H. P. 1324

House of Representatives, April 7, 1981

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Weymouth of West Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees.

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

Sec. 1. P&SL 1903, c. 82, § 1, as repealed and replaced by P&SL 1979, c. 40, § 1, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; corporate name; purposes. The territorial limits of the municipalities of Gardiner and Farmingdale and the people within those limits are hereby made and declared to be a public water district and a quasi-municipal corporation under the name of "Gardiner Water District." The Gardiner Water District shall supply the inhabitants of the water district and the inhabitants of Pittston and Randolph with pure water for domestic and municipal purposes.

Sec. 2. P&SL 1903, c. 82, § 5, first ¶, first sentence, as repealed and replaced by P&SL 1979, c. 40, § 2, is repealed and the following enacted in its place:

All the affairs of the water district shall be managed by a board of trustees composed of 5 members to be chosen by the municipal officers of their respective municipalities, but no member of the city council or selectmen's office shall, during the term for which he is elected, be chosen one of the board of trustees. Four trustees shall represent the City of Gardiner, and one trustee shall represent the Town of Farmingdale.

Sec. 3. P&SL 1903, c. 82, § 5, first ¶, 3rd sentence, as repealed and replaced by P&SL 1979, c. 40, § 3, is repealed and the following enacted in its place:

The trustees appointed by the municipal officers immediately following the effective date of this Act shall be appointed for a 3-year term. Trustees presently appointed to the Gardiner Water District's Board of Trustees shall serve until the expiration of their terms. Whenever the term of office of a trustee expires, the municipal officers of the municipality which the trustee represents shall appoint a successor to serve a term of 3 years. In the event that any other vacancy occurs, it should be filled according to the same procedure for the unexpired term.

Sec. 4. P&SL 1903, c. 82, § 12, as repealed and replaced by P&SL 1979, c. 40, § 6, is repealed and the following enacted in its place:

Sec. 12. Referendum; effective date. Sections 1, 2 and 3 of this Act shall take complete effect as hereinafter provided when approved by a majority of the legal voters resident in each municipality of the district, present and voting for or against sections 1, 2 and 3 of the charter as amended by the 110th Legislature during the First Regular Session, by ballot at any regular or special election called and held for the purpose of voting upon any state referendum. The election shall be called, advertised and conducted, not later than one year after the effective date of this Act, according to the law relating to municipal elections; provided, however, that the registrars of voters in those municipalities shall not be required to prepare for posting, nor the city or town clerks to post, a new list of voters and for the purpose of registration of voters, the registrars shall be in session the 3 secular days next preceding the election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the registrars to verify the correction of the lists and to complete and close up their records of the sessions.

The city and town clerks in each municipality shall reduce the subject matter of sections 1, 2 and 3 to the following question:

“Shall the proposed amendments to the charter of Gardiner Water District be approved to increase the territory of the district to include Farmingdale, to increase the size of the board of trustees and to provide for the appointment of a new trustee?”

The voters shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. Upon its acceptance by a majority of the legal voters voting at the election, held in each municipality, sections 1, 2 and 3 of this Act shall take effect in the municipality, provided that the total number of votes cast for and against the acceptance of sections 1, 2 and 3 of this Act at each election equaled or exceeded 20% of the total number of votes cast for Governor in each municipality at the last gubernatorial election, and further provided that there is a favorable majority vote in the City of Gardiner and the municipality of Farmingdale. Another election may be held, if the total number of votes cast in the first election does not equal or exceed 20%. The result of the election shall be

declared by the municipal officers of the municipalities and due certificate filed by the city and town clerks with the Secretary of State.

STATEMENT OF FACT

In the 109th Legislature, L. D. 1653 was enacted as chapter 40 of the Private and Special Laws and signed by the Governor on June 20, 1979. One of the provisions in that private and special law called for the expansion of the territorial limits of the Gardiner Water District to include the municipalities of Randolph and Farmingdale, to increase the present 3-member board of trustees to a total of 6 trustees by adding an additional trustee from Gardiner and one each from the municipalities of Randolph and Farmingdale. There was a referendum requirement on that portion of the Act requiring a vote by the taxpayers of the City of Gardiner, the Town of Farmingdale and the Town of Randolph.

The referendum called for by the Act was carried out in all 3 communities and the voters in the City of Gardiner and the Town of Farmingdale voted by substantial margins to approve the Act and expand the water district and the membership of the board of trustees; however, the voters in the Town of Randolph voted against the proposal by a narrow margin and the Act, therefore, never became effective under its provisions which required the vote of the residents of all 3 municipalities in order to become effective.

The purpose of this legislation is to carry out the mandate of the voters in the City of Gardiner and Town of Farmingdale by expanding the territory of the Gardiner Water District to include the Town of Farmingdale and to add one additional trustee from the City of Gardiner and one trustee, who shall be a resident of the Town of Farmingdale, to the existing board of trustees, thereby increasing the total number of trustees on the board from 3 to 5 members.