

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 957

S.P. 329

In Senate, March 27, 1987

Reference to the Committee on Legal Affairs suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator DUTREMBLE of York, Representative
CHONKO of Topsham, Representative CARROLL of Gray.

STATE OF MAINE

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

1 AN ACT to Clarify Election Procedures and the
2 Effects of Interconnected Water Lines
3 in Water Fluoridation Referenda.
4

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

7 Sec. 1. 22 MRSA §2651-A, sub-§7, as enacted by
8 PL 1983, c. 463, §2, is amended to read:

9 7. Registered petitioners. "Registered petition-
10 ers" means those registered voters residing in a sin-
11 gle community water district or, in the case of a
12 multiple community water system district-wide elec-
13 tion, those registered voters residing in the multi-
14 ple community water district who have accepted the
15 responsibility of receiving notice concerning the
16 filing of petitions pursuant to section 2655, subsec-
17 tion 37-paragraph-B.

1 Sec. 2. 22 MRSA §2653, sub-§4 is enacted to
2 read:

3 4. Authorization not required. Any water dis-
4 trict which receives public water from a public water
5 system which is not a primary supplier of water to
6 that water district shall not vote with respect to
7 the addition of fluoride to that water supply.

8 A primary water supplier is one which has provided to
9 a water district more than 10% of the water dis-
10 trict's total annual water supply for 2 or more con-
11 secutive calendar years, or which by contract is re-
12 quired to provide a water district in any given year
13 an amount of water which necessarily will be more
14 than 10% of the district's total annual water supply.
15 For the purpose of determining a district's total an-
16 nuual water supply under this subsection, the dis-
17 trict's average annual water supply for the 2 full
18 calendar years immediately preceding the effective
19 date of the contract shall be used.

20 Sec. 3. 22 MRSA §2654, sub-§1, as enacted by PL
21 1983, c. 463, §4, is repealed and the following en-
22 acted in its place:

23 1. Single community water districts. In a single
24 community water district, the vote on the issue of
25 fluoridation shall be called by a majority vote of
26 the municipal officers acting on their own initiative
27 or pursuant to a petition meeting the requirements
28 established for a referendum vote by the
29 municipality's home rule charter or, if the munici-
30 pality has no home rule charter, as provided by Title
31 30, section 2053.

32 Sec. 4. 22 MRSA §2654, sub-§2, 11A and B, as en-
33 acted by PL 1983, c. 463, §4, are amended to read:

34 A. A valid request for an election shall have
35 been made when a majority of municipal ~~officers~~
36 officers, in a majority of municipalities within
37 a multiple community water system district, vote
38 to call an election. All such votes must be
39 taken at least 90 days before the general elec-
40 tion. Each voting municipality shall certify
41 within 5 days to all other municipalities within

1 the public water system district the results of
2 its vote.

3 A multiple community water system district-wide
4 election shall take place in each municipality
5 within the district if, on the basis of the cer-
6 tificates, a majority of ~~public officials~~ municipal
7 officers within a majority of the municipali-
8 ties in the district have called for an election.

9 B. A valid request for election shall have been
10 made when a number of registered voters within a
11 multiple community water district equal to at
12 least 10% of the total number of votes cast for
13 Governor at the last gubernatorial election in
14 all municipalities, wholly or partially within
15 the multiple community water district, file a pe-
16 tition ~~or petitions with the appropriate muni-~~
17 ~~city or municipalities which are wholly or par-~~
18 ~~tially within the multiple community water~~
19 district in accordance with section 2655.

20 Sec. 5. 22 MRSA §2655, sub-§2, as enacted by PL
21 1983, c. 463, §4, is amended to read:

22 2. Forms; instructions. On request of a voter,
23 the Secretary of State shall furnish petition forms
24 to that voter within 10 days of the request. The
25 Secretary of State may charge a reasonable fee for
26 the petitions.

27 If a voter, at his own expense, wishes to have the
28 forms printed and furnished by himself rather than by
29 the Secretary of State, he may do so provided that
30 these petition blanks are first approved by the Sec-
31 retary of State as to form and content. The Secretary
32 of State shall have 10 days in which to approve the
33 forms. If the forms are found to be unsatisfactory,
34 the Secretary of State shall indicate the manner in
35 which the forms are deficient. Corrected petition
36 forms may be submitted in accordance with the terms
37 in this paragraph.

38 The Secretary of State shall prepare complete in-
39 structions to advise the signers, circulators, regis-
40 tered petitioners, municipal clerks and election of-
41 ficials as to any statutory and constitutional re-

1 quirements. The instructions must specify the condi-
2 tions which have been held to invalidate either indi-
3 vidual signatures or complete petitions. The in-
4 structions must be printed in bold type or capital
5 letters on the petition.

6 Sec. 6. 22 MRSA §2655, sub-§3, as enacted by PL
7 1983, c. 463, §4, is repealed and the following en-
8 acted in its place:

9 3. Signing; filing. Petitions may be signed and
10 filed as follows. In multiservice municipalities,
11 petitions may be signed by any registered voter re-
12 siding within the affected public water system zone
13 of the municipality. All such petitions shall be
14 filed with the appropriate municipality at least 120
15 days before the next general election. In each mu-
16 nicipality in which petitions are filed, the petition
17 or petitions shall be accompanied with the name and
18 address of at least one, but not more than 5, regis-
19 tered voters who shall be the registered petitioners
20 for the purpose of subsection 4. The registered pe-
21 tioners must reside in the multiple community water
22 district, but need not reside in the municipality in
23 which a petition is filed.

24 Sec. 7. 22 MRSA §2656, sub-§1, as enacted by PL
25 1983, c. 463, §4, is amended to read:

26 1. Multiple community water system district-wide
27 elections. In the case of public systems serving more
28 than one municipality, in whole or in part, elections
29 shall be held simultaneously in all municipalities
30 served by the water system at the first general elec-
31 tion following the certification of a request for an
32 election on the issue of whether or not to fluoridate
33 the water supply. Those eligible to vote shall be
34 all registered voters within affected single-service
35 municipalities and all registered voters within the
36 affected public water system zone of multiservice mu-
37 nicipalities. The following provisions apply to all
38 multiple community water system district-wide elec-
39 tions.

40 A. Each municipality shall be responsible for
41 posting a warrant according to the following re-
42 quirements.

- 1 (1) It shall specify the voting place and
2 the time of opening and closing of polls.
- 3 (2) It shall specify that the purpose of
4 the election is to determine the following
5 question: "Shall fluoride be added to the
6 public water supply for the intended purpose
7 of reducing tooth decay?"
- 8 (3) It shall specify that a public hearing
9 will be held by the municipal officers of
10 each municipality at least 10 days before
11 the election date.
- 12 (4) It shall be signed by a majority of the
13 municipal officers of the municipality and
14 directed personally to a constable or any
15 resident ordering him to announce the elec-
16 tion.
- 17 (5) The person to whom the warrant is di-
18 rected shall post an attested copy of it in
19 a conspicuous public place in each voting
20 district of the municipality at least 7 days
21 immediately before the date of the public
22 hearing. He shall make a return on the war-
23 rant stating the manner of announcement and
24 the time it was given and return the warrant
25 to the municipal officers.
- 26 (6) The municipal officers shall then de-
27 liver the warrant to the clerk who shall
28 record it.

29 B. Elections shall be held by secret preprinted
30 ballots.

31 C. Each municipality shall provide for absentee
32 ballots in a manner which substantially complies
33 with Title 21-A, chapter 9, subchapter IV.

34 Sec. 8. 22 MRSA §2656, sub-§1-A is enacted to
35 read:

36 1-A. Elections in single community water dis-
37 tricts. Elections in single community water districts
38 shall be conducted in the same manner as other munic-
39 ipal elections.

1 STATEMENT OF FACT

2 The 111th Legislature enacted a substantial revision
3 to the state law regarding community water
4 fluoridation. Fluoridation of public water supplies
5 has been proven to result in an average 65% reduction
6 in tooth decay over time and has been identified in
7 recent years by the State Health Coordinating Council
8 as a major public health priority.

9 New sections were added to the law in 1983 designating
10 who is able to vote, requirements for petitioning
11 and election procedures. The changes in this
12 bill are intended to resolve potential technical
13 problems which could arise under the existing law.

14 Presently, the law states that no public water
15 system may add any fluoride to any water supply without
16 first having been authorized to do so by the affected
17 single water district or multiple community
18 water district, served by it. The lack of a specific
19 reference to the limited provision of fluoridated water
20 to nonfluoridated areas in this law presents an
21 immediate problem and represents potential conflicts
22 that need never take place. Cross connections exist,
23 and are in fact encouraged, between neighboring water
24 systems, to facilitate the provision of water in certain
25 circumstances.

26 For a variety of reasons, a fluoridated utility
27 might be called upon to provide water to a
28 nonfluoridated utility, where voters had not previously
29 authorized the utility to add fluoride to the
30 water supply. Under current law, the legality of provision
31 of that water is unclear, regardless of the
32 amount of water provided. This bill defines the situations
33 for which authorization is required so that a
34 water district which receives public water from a
35 public water system which is not a primary supplier
36 of water to that water district would not vote with
37 respect to the addition of fluoride to the water supply.
38

39 Another purpose of this bill is to provide a time
40 limit on review of forms conducted by the Secretary
41 of State's office and make that section consistent

1 with other sections with regard to form and content.

2 The final changes covered by this bill serve to
3 clarify election procedures by adding references to
4 state election law or directing municipalities to
5 follow their usual election procedures, as appropri-
6 ate. That clarification will be particularly useful
7 to municipalities in the case of multiple community
8 water system district-wide elections.

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