

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2273

S.P. 872

In Senate, February 16, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Representative TRACY of Rome,
Representative JACQUES of Waterville, Representative LACROIX of Oakland.

STATE OF MAINE

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

AN ACT to Enable the Creation of Watershed
Districts.

1
2
3

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

6 38 MRSA §398 is enacted to read:

7 §398. Watershed districts authorized

1 1. Authorization. Watershed districts may be
2 created pursuant to this section to protect, restore
3 and maintain the water quality of great ponds and to
4 manage and conserve the land and water resources of
5 watersheds of great ponds within the jurisdictions of
6 these districts.

7 2. Formation. The formation of a watershed
8 district shall be accomplished in substantially the
9 same manner as provided for the formation of sanitary
10 districts under chapter 11, subchapter II.

11 3. Powers. A watershed district has the
12 following powers.

13 A. Any district organized under this section may
14 sue and be sued, make contracts, accept gifts,
15 purchase, lease, devise or otherwise acquire, hold
16 or dispose of real or personal property, disburse
17 money, contract debt, adopt rules and do such
18 other acts as necessary to carry out the purposes
19 of the district.

20 B. The district may require that a contracting
21 party give adequate security to assure performance
22 of the contract and to pay all damages which may
23 arise from inadequate performance.

24 C. The district shall be responsible for:

25 (1) Initiating and coordinating research and
26 surveys for the purpose of gathering data on
27 great ponds, related shorelands and
28 watersheds within the territory of the
29 district;

30 (2) Planning lake restoration projects;

31 (3) Contacting and attempting to secure the
32 cooperation of municipal officials and state
33 agencies for the purpose of enacting and
34 enforcing ordinances and rules necessary to
35 further the purposes of the district;

1 (4) Adopting and implementing lake
2 protection, management and restoration plans;
3 and

4 (5) Adopting and implementing plans and
5 programs to facilitate coordination of water
6 levels' management and surface water use on
7 great ponds within the territory of the
8 district.

9 4. Budget meeting. The trustees of a watershed
10 district shall annually before June 1st call a
11 district budget meeting to approve the operating
12 budget, reserve fund for a capital outlay purpose or
13 capital outlay appropriations in the following manner.

14 A. Each district budget meeting shall be called
15 by a warrant signed by a majority of the
16 trustees. The warrant shall specify the time and
17 place of the meeting and shall set forth the
18 proposed budget and any other items of business.
19 The warrant shall be directed to any resident of
20 the district by name ordering that resident to
21 notify all voters within the district to assemble
22 at the time and place appointed. An attested copy
23 of the warrant shall be posted by the person to
24 whom it is directed in some conspicuous place in
25 each of the municipalities within the district at
26 least 7 days before the meeting. The person who
27 gives notice of the meeting shall make a return on
28 the warrant, stating the manner of notice in each
29 municipality and the time when it was given.

30 B. The trustees shall appoint a resident of the
31 district to serve as registration clerk and to
32 make and keep a voting list of all residents in
33 the district eligible to vote. The registration
34 clerk shall compile the district voting list from
35 the voting lists of all municipalities lying
36 within the district. At least 14 days before any
37 budget meeting, the registration clerk shall bring
38 that voting list up to date by comparing the list
39 with those voting lists found in the
40 municipalities within the district and by making
41 such additions and deletions as are necessary. No
42 additions or deletions may be made within the

1 14-day period prior to the meeting.

2 C. Each person whose name appears on the district
3 voting list may attend and vote at a district
4 budget meeting. Twenty-five registered voters
5 constitute a quorum. When a quorum of voters is
6 present, the chairman of the trustees shall open
7 the meeting by calling for the election of a
8 moderator, receiving and counting votes for
9 moderator and swearing in the moderator. As soon
10 as a moderator has been elected and sworn, the
11 moderator shall preside at the meeting. The
12 secretary of the district shall record accurately
13 all votes of the meeting.

14 D. The trustees shall thoroughly explain the
15 proposed budget and the voters of the district
16 shall be given an opportunity to be heard. A
17 budget must be approved by the voters of the
18 district at the district budget meeting. At the
19 district budget meeting, only those items dealing
20 with the expenses necessary to operate the
21 district, appropriations for a reserve fund and
22 capital outlay shall be subject to change by the
23 voters. If a budget for the operation of the
24 district is not approved prior to July 1st in any
25 year, the budget as submitted by the trustees for
26 operational expenses, reserve fund and capital
27 outlay purposes shall be automatically considered
28 the budget approved for operational expenses in
29 the ensuing fiscal year.

30 5. Exemption from taxation. The property, both
31 real and personal, rights and franchises of any
32 watershed district formed under this chapter is
33 forever exempt from taxation.

34 6. Assessments. Assessments shall be made as
35 follows.

36 A. Following adoption of the district budget, the
37 trustees shall issue their warrants, in
38 substantially the same form as the warrant of the
39 Treasurer of State, for taxes to each
40 participating municipality requiring it to pay

1 its proportionate part of the district budget.
2 Each municipality's proportionate part of the
3 budget shall be based upon its percentage of
4 shoreline frontage on the great ponds within the
5 district's territory.

6 B. The fiscal year of the district shall be July
7 1st to June 30th. In the fiscal year in which the
8 assessment is levied, the treasurer of each
9 municipality shall pay the amount of the
10 assessment in 3 equal installments to the
11 treasurer of the district. Installments shall be
12 paid by August 1st, December 1st and March 31st.

13 C. Any water utility benefiting from the services
14 of this district has the right to contribute funds
15 to the district as a utility operating expense.

16 STATEMENT OF FACT

17 This bill allows the creation of watershed
18 districts in a timely fashion without going through
19 the legislative process.

20

4632010688