

MAINE STATE LEGISLATURE

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(New Draft of S.P. 872, L.D. 2273)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2610

S.P. 982

In Senate, March 31, 1988

Reported by Senator LUDWIG of Aroostook for the Committee on ENERGY AND NATURAL RESOURCES and printed under Joint Rule 2. Original Bill sponsored by Senator KANY of Kennebec. Cosponsored by: Representative TRACY of Rome, Representative JACQUES of Waterville, Representative LACROIX of Oakland.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Enable the Creation of Watershed
Districts.

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

38 MRSA c. 23 is enacted to read:

CHAPTER 23

1 LAKE WATERSHED DISTRICTS

2 §2001. Watershed districts authorized

3 Watershed districts may be created pursuant to
4 this section to protect, restore and maintain the
5 water quality of great ponds and to manage and
6 conserve the land and water resources of watersheds of
7 great ponds within the jurisdictions of these
8 districts. The terms "watershed district" and "lake
9 management district" are used interchangeably in this
10 chapter.

11 §2002. Formation

12 1. Application. The municipal officers of the
13 municipality or municipalities, or portions thereof,
14 or the residents of unorganized territory that desire
15 to form a watershed district shall file an application
16 with the Board of Environmental Protection on a form
17 or forms to be prepared by the board, setting forth
18 the name or names of the municipality or
19 municipalities, or portions thereof, or, in the case
20 of residents of unorganized territory, the names of
21 those residents that propose to be included in the
22 district and they shall furnish such other data as the
23 board may determine necessary and proper. The
24 application shall contain, but not be limited to, a
25 description of the territory of the proposed district,
26 the name proposed for the district which shall include
27 the words "watershed district" or "lake management
28 district" and a statement showing the existence in
29 such territory of the need for a coordinated approach
30 to lake watershed management as provided in this
31 chapter.

32 2. Application by referendum. Residents of a
33 municipality or municipalities, or portions thereof,
34 that desire to form a watershed district may petition
35 the municipal officers to file an application for a
36 watershed district with the Board of Environmental
37 Protection. The petition shall contain a description
38 of the territory of the proposed district.

39 Upon receipt of a written petition signed by at least

1 10% of the number of voters voting for the
2 gubernatorial candidates at the last statewide
3 election in that proposed district, the municipal
4 officers shall submit the question to the voters of
5 the proposed district at the next general, primary or
6 special election within the proposed district. The
7 referendum question shall read as follows:

8 "Shall the municipal officers representing the
9 proposed watershed district, consisting of
10 (describe the territory of the proposed district),
11 file an application for a watershed district with
12 the Board of Environmental Protection on behalf of
13 the residents of the proposed district?"

14 If the referendum question is approved by a majority
15 of the legal voters voting at the election, provided
16 that the total number of votes cast for and against
17 the referendum question equals or exceeds 20% of the
18 total number of votes cast in the proposed district in
19 the last gubernatorial election, the municipal
20 officers representing the residents of the proposed
21 watershed district shall file an application for that
22 proposed district in accordance with subsection 1.

23 3. Public hearing. Upon receipt of the
24 application, the Board of Environmental Protection
25 shall cause a public hearing to be held on the
26 application in one of the municipalities within the
27 proposed district or, in the case of an application
28 made solely by residents of unorganized territory, at
29 some convenient place within the boundaries of the
30 proposed district.

31 4. Approval of application. After the public
32 hearing on the evidence received at the hearing, the
33 board shall make findings of fact and conclusions and
34 determine of record whether or not the conditions
35 requisite for the creation of a watershed district
36 exist in the territory described in the application.
37 If the board finds that such conditions do exist, it
38 shall issue an order approving the proposed district
39 as conforming to the requirements of this chapter and
40 designating the name of the proposed district. The
41 board shall give notice to the municipal officers

1 within the municipality or municipalities involved
2 and, when unorganized territory is involved, to the
3 persons signing the application mentioned in
4 subsection 1 and the commissioners of the county in
5 which the unorganized territory is located of a date,
6 time and place of a meeting of the municipal officers
7 of the municipality or municipalities involved and,
8 when unorganized territory is involved, a joint
9 meeting of all the persons signing the application
10 mentioned in subsection 1 and the commissioners of the
11 county in which the unorganized territory is located.
12 The notice shall be in writing and sent by registered
13 or certified mail, return receipt requested, to the
14 addresses shown on the application mentioned in
15 subsection 1 and, in the case of county commissioners,
16 to the addresses of those commissioners obtained from
17 the county clerk. A return receipt properly endorsed
18 shall be evidence of the receipt of notice. The notice
19 shall be mailed at least 10 days prior to the date set
20 for the meeting.

21 5. Denial of application. If the board, after
22 that public hearing, determines that the creation of a
23 watershed district in the territory described in the
24 application is not warranted for any reason, it shall
25 make findings of fact and conclusions and enter an
26 order denying its approval. The board shall give
27 notice of that denial by mailing certified copies of
28 the decision and order to the municipal officers of
29 the municipality or municipalities involved and, when
30 unorganized territory is involved, to the persons
31 signing the application mentioned in subsection 1 and
32 the commissioners of the county in which the
33 unorganized territory is located. No application for
34 the creation of a watershed district, consisting of
35 exactly the same territory, may be entertained within
36 one year after the date of the issuance of an order
37 denying approval of the formation of that watershed
38 district, but this provision shall not preclude action
39 on an application for the creation of a watershed
40 district embracing all or part of the territory
41 described in the original application, provided that
42 another municipality or fewer municipalities, or other
43 or fewer sections thereof, are involved or that a
44 different area of unorganized territory is involved

1 or, in the case of an application made solely by
2 residents of unorganized territory, that an allegation
3 of change in circumstances from those existing on the
4 date of the previous application must be furnished to
5 the board with the resubmitted application.

6 6. Joint meeting. The persons to whom the notice
7 described in subsection 3 is directed shall meet at
8 the time and place appointed. When more than one
9 municipality or unorganized territory is involved, the
10 persons shall organize by electing a chairman and a
11 secretary. No action may be taken at any such meeting
12 unless, at the time the meeting is convened, there
13 are present at least 1/2 of the total number of
14 municipal officers eligible to attend and participate
15 at the meeting and, when the proposed district
16 includes or is composed solely of unorganized
17 territory, at least 2/3 of the persons signing the
18 application mentioned in subsection 1 and at least 2
19 commissioners of the county in which the unorganized
20 territory is located, other than to report to the
21 Board of Environmental Protection that a quorum was
22 not present and to request the board to issue a new
23 notice for another meeting. The purpose of the meeting
24 shall be to determine a fair and equitable number of
25 trustees, subject to section 2004, to be elected by
26 and represent each participating municipality or, in
27 the case of unorganized territory, the residents of
28 that territory within the bounds of the proposed
29 district. When a decision has been reached on the
30 number of trustees and the number to represent each
31 municipality or the residents of the unorganized
32 territory within the bounds of the proposed district,
33 subject to the limitations provided, this decision
34 shall be reduced to writing by the secretary and must
35 be approved by a 2/3 vote of those present. When 2 or
36 more municipalities are, or unorganized territory is,
37 involved, the vote so reduced to writing and the
38 record of the meeting shall be signed by the chairman
39 and attested by the secretary and filed with the
40 board. When a single municipality is involved, a copy
41 of the vote of the municipal officers duly attested by
42 the clerk of the municipality shall be filed with the
43 board.

1 7. Submission. When the record of the
2 municipality or the record of the joint meeting, when
3 municipalities are, or unorganized territory is,
4 involved, has been received by the board and found by
5 it to be in order, the board shall order the question
6 of the formation of the proposed watershed district
7 and other related questions to be submitted to the
8 legal voters residing within that portion of the
9 municipality, municipalities or unorganized territory
10 which falls within the proposed watershed district.
11 The order shall be directed to the municipal officers
12 of the municipality or municipalities which propose to
13 form the watershed district and, when the proposed
14 watershed district includes or is composed solely of
15 unorganized territory, to the commissioners of the
16 county in which the unorganized territory is located,
17 directing them to call town meetings, city elections
18 or a meeting of the residents of the unorganized
19 territory within the bounds of the proposed watershed
20 district for the purpose of voting in favor of or in
21 opposition to each of the following articles or
22 questions, as they may apply, in substantially the
23 following form:

24 A. To see if the town (or city) of (name of town
25 or city) will vote to incorporate as a watershed
26 district to be called (name) Watershed District;

27 B. To see if the residents of the following
28 described section of the town (or city) of (name
29 of town or city) will vote to incorporate as a
30 watershed district to be called (name) Watershed
31 District: (legal description of the bounds of
32 section to be included);

33 C. To see if the residents of the (following
34 described section of) (name of town or city)
35 (unorganized territory) will vote to join with the
36 residents of the (following described section of)
37 (name of town or city) (unorganized territory) to
38 incorporate as a watershed district to be called
39 (name) Watershed District: (legal description of
40 the bounds of the proposed watershed district,
41 except where the district is to be composed of
42 entire municipalities);

1 D. To see if the inhabitants of the following
2 described section of that unorganized territory
3 known as Township (number), Range (number) will
4 vote to incorporate as a watershed district to be
5 called (name) Watershed District: (legal
6 description of the bounds of the proposed
7 watershed district);

8 E. To see if the residents of (the above
9 described section of) (name of town or city) will
10 vote to approve the total number of trustees and
11 the allocation of representation among the
12 municipalities (and included section of
13 unorganized territory) on the board of trustees as
14 determined by the municipal officers (and the
15 persons representing the included area of
16 unorganized territory) and listed as follows:

17 Total number of trustees shall be and the
18 residents of (the above described section of)
19 (town or city) shall be entitled to
20 trustees (and the residents of the above described
21 section of unorganized territory shall be entitled
22 to trustees); and

23 F. To choose (number) trustees to represent the
24 residents of (the above described section) of
25 (town or city) (unorganized territory) on the
26 board of trustees of the (name) Watershed District.

27 At any such town meeting, city election or
28 election by the residents of the proposed watershed
29 district, trustees shall be chosen to represent the
30 municipality or the unorganized territory within the
31 proposed watershed district in the manner provided in
32 section 2005.

33 §2003. Approval and organization

34 When the residents of the municipality or each
35 municipality, when more than one is involved, or the
36 unorganized territory within the proposed watershed
37 district have voted upon the formation of a proposed

1 watershed district and all of the other questions
2 submitted therewith, the clerk of each municipality
3 and, when the proposed district includes unorganized
4 territory, the county clerk shall make a return to the
5 Board of Environmental Protection in such form as the
6 board determines. If the board finds from the returns
7 that a majority of the residents within each of the
8 municipalities involved and, when the proposed
9 district includes unorganized territory, that a
10 majority of the residents of the unorganized territory
11 within the proposed watershed district, voting on each
12 of the articles and questions submitted to them, have
13 voted in the affirmative and have elected the
14 necessary trustees and the names of those elected to
15 represent each municipality, or the residents of the
16 unorganized territory within the proposed watershed
17 district, and that all other steps in the formation of
18 the proposed watershed district are in order and in
19 conformity with law, the board shall make a finding to
20 that effect and record the same upon its records. The
21 board shall, immediately after making its findings,
22 issue a certificate of organization in the name of the
23 watershed district in such form as the board
24 determines. The original certificate shall be
25 delivered to the trustees on the day that they are
26 directed to organize and a copy of the certificate
27 duly attested by the Commissioner of Environmental
28 Protection shall be filed and recorded in the Office
29 of the Secretary of State. The issuance of that
30 certificate by the board shall be conclusive evidence
31 of the lawful organization of the watershed district.
32 The watershed district shall not be operative until
33 the date set by the board under section 2006.

34 §2004. Trustees

35 1. Authorization. All the affairs of a watershed
36 district shall be managed by an elected board of
37 trustees which shall consist of not less than 3
38 trustees, or not less than 5 trustees in watershed
39 districts involving more than one municipality or one
40 or more municipalities and residents of an unorganized
41 territory. The exact number of trustees shall be
42 determined in accordance with section 2002. A
43 watershed district may alter the number of trustees by

1 submitting the proposed alteration to the voters in
2 the same manner as provided in section 2002,
3 subsection 7. No municipality nor unorganized
4 territory within any watershed district may have less
5 than one trustee. A quorum of the trustees may conduct
6 the affairs of the district even if there is a vacancy
7 on the board of trustees.

8 2. Recall. Trustees may be recalled under the
9 following provisions.

10 A. The qualified electors of the watershed
11 district may petition for the recall of any
12 trustee after the first year of the term for which
13 the trustee is elected by filing a petition with
14 the municipal clerk, or the county commissioners
15 in unorganized territory, demanding the recall of
16 the trustee. A trustee may be subject to recall
17 for misfeasance, malfeasance or nonfeasance in
18 office. The petition shall be signed by electors
19 of the political subdivision which that trustee
20 represents equal to at least 25% of the vote cast
21 for the office of Governor at the last
22 gubernatorial election within the political
23 subdivision of the trustee being recalled. The
24 recall petition shall state the reason for which
25 removal is sought.

26 B. Within 3 days after the petition is offered
27 for filing, the official with whom the petition is
28 left shall determine by careful examination
29 whether the petition is sufficient and so state in
30 a certificate attached to the petition. If the
31 petition is found to be insufficient, the
32 certificate shall state the particulars creating
33 the insufficiency. The petition may be amended to
34 correct any insufficiency within 5 days following
35 the affixing of the original certificate. Within 2
36 days after the offering of the amended petition
37 for filing, it shall again be carefully examined
38 to determine sufficiency and a certificate stating
39 the findings shall be attached. Immediately upon
40 finding an original or amended petition
41 sufficient, the official shall file the petition
42 and call a special election to be held not less

1 than 40 days nor more than 45 days from the filing
2 date. The official shall notify the trustee,
3 against whom the recall petition is filed, of the
4 special election.

5 C. The trustee against whom the recall petition
6 is filed shall be a candidate at the special
7 election without nomination, unless the trustee
8 resigns within 10 days after the original filing
9 of the petition. There shall be no primary.
10 Candidates for the office may be nominated under
11 the usual procedure of nomination for a primary
12 election by filing nomination papers, not later
13 than 5 p.m., 4 weeks preceding the election and
14 have their names placed on the ballot at the
15 special election.

16 D. The trustee against whom a recall petition has
17 been filed shall continue to perform the duties of
18 office until the result of the special election is
19 officially declared. The person receiving the
20 highest number of votes at the special election
21 shall be declared elected for the remainder of the
22 term. If the incumbent receives the highest number
23 of votes, the incumbent shall continue in office.
24 If another receives the highest number of votes,
25 that person shall succeed the incumbent, if
26 qualified, within 10 days after receiving
27 notification.

28 E. After one recall petition and special
29 election, no further recall petition may be filed
30 against the same trustee during the term for which
31 the trustee was elected.

32 §2005. Election of trustees

33 Trustees shall be nominated and elected in the
34 same manner as municipal officers are nominated and
35 elected under Title 30, or in accordance with a
36 municipal charter, whichever is applicable; or, in the
37 case of unorganized territory, in accordance with the
38 procedure for the organization of larger townships set
39 forth in Title 30, section 5602. Upon receipt of the
40 names of all the trustees, the Board of Environmental

1 Protection shall set a time, place and date for the
 2 first meeting of the trustees, notice of the meeting
 3 to be given to the trustees by certified or registered
 4 mail, return receipt requested, mailed at least 10
 5 days prior to the date set for the meeting, to
 6 determine the length of their terms. The terms shall
 7 be determined by lot in accordance with the following
 8 table:

9

TERM

10	<u>Total number</u>			
11	<u>of trustees</u>	<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
12	<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
13	<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>
14	<u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
15	<u>8</u>	<u>2</u>	<u>3</u>	<u>3</u>
16	<u>9</u>	<u>3</u>	<u>3</u>	<u>3</u>
17	<u>10</u>	<u>3</u>	<u>3</u>	<u>4</u>
18	<u>11</u>	<u>3</u>	<u>4</u>	<u>4</u>
19	<u>12</u>	<u>4</u>	<u>4</u>	<u>4</u>
20	<u>13</u>	<u>4</u>	<u>4</u>	<u>5</u>
21	<u>14</u>	<u>4</u>	<u>5</u>	<u>5</u>
22	<u>15</u>	<u>5</u>	<u>5</u>	<u>5</u>
23	<u>16</u>	<u>5</u>	<u>5</u>	<u>6</u>
24	<u>17</u>	<u>5</u>	<u>6</u>	<u>6</u>
25	<u>18</u>	<u>6</u>	<u>6</u>	<u>6</u>

26 The trustees shall enter on their records the
 27 determination so made. The trustees shall serve their
 28 terms as determined at the organizational meeting,
 29 except that, in the case of trustees representing a
 30 municipality, those trustees shall serve an additional
 31 period until the next regular election of the
 32 municipality and, thereafter, those trustees' terms of
 33 office shall date from the time of each regular
 34 municipal election; and except that, in the case of
 35 trustees representing residents of unorganized
 36 territory, those trustees shall serve until an
 37 election to fill the vacancies caused by the
 38 expiration of their terms shall be called by the
 39 county commissioners. The commissioners shall call
 40 the election in the same manner provided for the
 41 initial election of trustees and cause that election
 42 to be held on a date as closely following the date
 43 upon which the terms expire.

1 They shall organize by election from their own
2 members a chairman, a vice-chairman, a treasurer and a
3 clerk and choose, employ and fix the compensation of
4 other necessary officers and agents who shall serve at
5 their pleasure and they shall adopt a corporate seal.
6 Prior to the election of the officers, each trustee
7 shall be sworn to the faithful performance of the
8 trustee's duties.

9 The trustees may from time to time adopt,
10 establish and amend through bylaws consistent with the
11 laws of the State and necessary for their own
12 convenience and the proper management of the affairs
13 of the district and perform any other acts within the
14 powers delegated to them by law.

15 After the original organizational meeting, the
16 trustees shall meet annually at a time determined by
17 their bylaws for the purpose of electing from among
18 the members a chairman, vice-chairman, treasurer and
19 clerk to serve until the next annual election and
20 until their successors are elected and qualified. The
21 treasurer shall furnish bond in such sum and with such
22 sureties as the trustees approve, the cost of the bond
23 to be paid by the district. The chairman,
24 vice-chairman, treasurer and clerk may receive
25 compensation for serving in these capacities as the
26 trustees determine. This compensation shall be in
27 addition to the compensation payable to them as
28 trustees. The trustees shall make and publish an
29 annual report including a report of the treasurer.

30 At the expiration of the terms, the vacancy shall
31 be filled for a term of 3 years and the trustees shall
32 notify the municipal officers of the municipalities
33 within the watershed district before the annual town
34 meeting or before the regular city election if a city
35 falls within the watershed district; or, in the case
36 of unorganized territory, the trustees shall notify
37 the commissioners of the county in which the
38 unorganized territory, encompassed by the watershed
39 district, is located of the fact that a vacancy will
40 occur so that the municipal officers in these

1 municipalities or the county commissioners may provide
2 for the election of a trustee or trustees to fill the
3 vacancy that will occur. All trustees shall serve
4 until their successors are elected and qualified. The
5 trustees shall receive compensation as recommended by
6 them and approved by majority vote of the municipal
7 officers in municipalities representing a majority of
8 the population within the district, including
9 compensation for any duties they perform as officers
10 as well as for their duties as trustees. Certification
11 thereof shall be recorded with the Secretary of State
12 and recorded in the bylaws. Their compensation for
13 duties as trustees shall be based on the amount
14 specified in the bylaws, each meeting actually
15 attended and reimbursement for travel and expenses,
16 with the total not to exceed the amount specified in
17 the bylaws. Compensation schedules in effect on
18 January 1, 1988 shall continue in effect until changed.

19 When a vacancy on the board of trustees occurs by
20 reason of death, resignation or otherwise, the
21 municipal officers of the municipality that the
22 trustee represented shall fill the vacancy by electing
23 a trustee from the municipality to serve until the
24 municipality shall fill the vacancy at its next annual
25 town meeting or next regular city election. In the
26 case of a vacancy in the office of a trustee
27 representing unorganized territory, the commissioners
28 of the county in which the unorganized territory is
29 located shall fill the vacancy by electing a trustee
30 from the unorganized territory and resident within the
31 boundaries of the watershed district until the next
32 election of trustees is held. The person so chosen
33 shall serve until a successor is elected and
34 qualified. If any member of the board of trustees
35 moves from the municipality represented, or, in the
36 case of a trustee representing unorganized territory,
37 if that trustee moves outside the boundaries of the
38 watershed district, a vacancy shall be declared to
39 exist by the board of trustees and the municipal
40 officers or the county commissioners shall choose
41 another trustee as provided.

42 No member of the board of trustees may be
43 employed for compensation or in any other capacity by

1 the watershed district of which the member is a
2 trustee, except as otherwise provided.

3 §2006. Operational date of watershed districts

4 On the date set by the Board of Environmental
5 Protection as provided in section 2005, the watershed
6 district shall become operative.

7 §2007. Powers

8 A watershed district has the following powers.

9 1. General. Any district organized under this
10 chapter may sue and be sued; make contracts; accept
11 gifts, purchase, lease, devise or otherwise acquire,
12 hold or dispose of real or personal property; disburse
13 money; contract debt; adopt rules; and do such other
14 acts as necessary to carry out the purposes of the
15 district.

16 2. Security required. The district may
17 require that a contracting party give adequate
18 security to assure performance of the contract and to
19 pay all damages which may arise from inadequate
20 performance.

21 3. Responsibilities. The district shall be
22 responsible for:

23 A. Initiating and coordinating research and
24 surveys for the purpose of gathering data on
25 great ponds, related shorelands and watersheds
26 within the territory of the district;

27 B. Planning lake restoration projects;

28 C. Contacting and attempting to secure the
29 cooperation of municipal officials and state
30 agencies for the purpose of enacting and
31 enforcing ordinances and regulations necessary to
32 further the purposes of the district;

33 D. Adopting and implementing lake protection,
34 management and restoration plans; and

1 E. Adopting and implementing plans and programs
2 to facilitate coordination of water level
3 management and surface water use on great ponds
4 within the territory of the district.

5 4. Limits on jurisdiction. The limits on
6 jurisdiction are as follows.

7 A. The district has no authority to set a water
8 level regime for a body of water impounded by a
9 dam which is exempt, under section 840,
10 subsection 1, from the authority of the Board of
11 Environmental Protection to set water level
12 regimes.

13 B. The district's authority to set a water level
14 regime for any water body within its boundaries
15 and over any dams within its boundaries is
16 subordinate to the authority of the Department of
17 Environmental Protection under chapter 5,
18 subchapter I, article 1, subarticle 1-B and
19 article 3-A.

20 §2008. Budget meeting

21 The trustees of a watershed district shall
22 annually before June 1st call a district budget
23 meeting to approve the operating budget, reserve fund
24 for a capital outlay purpose or capital outlay
25 appropriations in the following manner.

26 1. Call and notice. Each district budget
27 meeting shall be called by a warrant signed by a
28 majority of the trustees. The warrant shall specify
29 the time and place of the meeting and shall set forth
30 the proposed budget and any other items of business.
31 The warrant shall be directed to any resident of the
32 district, by name, ordering that resident to notify
33 all voters within the district to assemble at the time
34 and place appointed. An attested copy of the warrant
35 shall be posted by the person to whom it is directed
36 in some conspicuous place in each of the
37 municipalities within the district at least 7 days
38 before the meeting. The person who gives notice of

1 the meeting shall make a return on the warrant,
2 stating the manner of notice in each municipality and
3 the time when it was given.

4 2. Voting list. The trustees shall appoint a
5 resident of the district to serve as registration
6 clerk and to make and keep a voting list of all
7 residents in the district eligible to vote. The
8 registration clerk shall compile the district voting
9 list from the voting lists of all municipalities lying
10 within the district. At least 14 days before any
11 budget meeting, the registration clerk shall bring
12 that voting list up to date by comparing the list with
13 those voting lists found in the municipalities within
14 the district and by making such additions and
15 deletions as necessary. No additions or deletions may
16 be made within the 14-day period prior to the meeting.

17 3. Quorum; meeting rules. Each person whose
18 name appears on the district voting list may attend
19 and vote at a district budget meeting. Twenty-five
20 registered voters constitute a quorum. When a quorum
21 of voters is present, the chairman of the trustees
22 shall open the meeting by calling for the election of
23 a moderator, receiving and counting votes for
24 moderator and swearing in the moderator. As soon as a
25 moderator has been elected and sworn, the moderator
26 shall preside at the meeting. The secretary of the
27 district shall record accurately all votes of the
28 meeting.

29 4. Budget approval. The trustees shall
30 thoroughly explain the proposed budget and the voters
31 of the district shall be given an opportunity to be
32 heard. A budget must be approved by the voters of the
33 district at the district budget meeting. At the
34 district budget meeting, only those items dealing with
35 the expenses necessary to operate the district,
36 appropriations for a reserve fund and capital outlay
37 shall be subject to change by the voters. If a budget
38 for the operation of the district is not approved
39 prior to July 1st in any year, the budget as submitted
40 by the trustees for operational expenses, reserve fund
41 and capital outlay purposes shall be automatically
42 considered the budget approved for operational

1 expenses in the ensuing fiscal year.

2 §2009. Exemption

3 The property, both real and personal, rights and
4 franchises of any watershed district formed under this
5 chapter and held within the boundaries of the district
6 is forever exempt from taxation.

7 §2010. Assessments

8 Assessments shall be made as follows.

9 1. Method. Following adoption of the district
10 budget, the trustees shall issue their warrants, in
11 substantially the same form as the warrant of the
12 Treasurer of State, for taxes to each participating
13 municipality requiring it to pay its proportionate
14 part of the district budget. Each municipality's
15 proportionate part of the budget shall be based upon
16 its percentage of shoreline frontage on the great
17 ponds within the district's territory.

18 2. Fiscal year; payments. The fiscal year of
19 the district shall be July 1st to June 30th. In the
20 fiscal year in which the assessment is levied, the
21 treasurer of each municipality shall pay the amount of
22 the assessment in 3 equal installments to the
23 treasurer of the district. Installments shall be paid
24 by August 1st, December 1st and March 31st.

25 3. Water utility benefiting. Any water utility
26 benefiting from the services of this district has the
27 right to contribute funds to the district as a utility
28 operating expense.

29 §2011. Liability

30 Any watershed district formed under this chapter
31 is a governmental entity for the purposes of Title 14,
32 chapter 741.

1 STATEMENT OF FACT

2 This new draft achieves the same purpose of the
3 original bill: to allow the creation of watershed
4 districts in a timely fashion without going through
5 the legislative process. The new draft adds more
6 specific provisions for the formation of the district
7 and the selection of district trustees. The new
8 provisions are modeled on the existing provision for
9 sanitary districts.

10 5170032288