

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2008

H.P. 1438

House of Representatives, December 20, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 20, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SIMPSON of Casco.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Amend the Watershed District Laws.

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

4 38 MRSA c. 23-A is enacted to read:

6 CHAPTER 23-A

8 COASTAL WATERSHED DISTRICTS

10 §2021. Watershed districts authorized

12 Watershed districts may be created pursuant to this section  
14 to protect, restore and maintain water quality of coastal harbors  
16 and estuaries and to manage and conserve the land and water  
18 resources of coastal watersheds within the jurisdictions of these  
districts. The term "participating water district," as used in  
this chapter, means a water district, as defined by Title 35-A,  
section 6101, subsection 3, included in the application provided  
for by section 2022.

20 §2022. Formation

22 1. Application. The municipal officers of the municipality  
24 or municipalities, or portions of the municipality or  
26 municipalities, or the residents of unorganized territory who  
28 desire to form a watershed district shall file an application  
30 with the Board of Environmental Protection on a form or forms to  
32 be prepared by the board, setting forth the name or names of the  
34 municipality or municipalities, or portions of the municipality  
36 or municipalities, or, in the case of residents of unorganized  
38 territory, the names of those residents who propose to be  
40 included in the district and they shall furnish other data that  
the board determines necessary and proper. The application must  
contain, but not be limited to, a description of the territory of  
the proposed district, the names of water districts that use  
water from surface or ground water supplies within the territory  
of the proposed district, the name proposed for the district  
which must include the words "watershed district" and a statement  
showing the existence in the territory of the need for a  
coordinated approach to coastal watershed management as provided  
in this chapter.

42 2. Application by referendum. Residents of a municipality  
44 or municipalities, or portions of a municipality or  
46 municipalities, who desire to form a watershed district may  
48 petition the municipal officers to file an application for a  
watershed district with the Board of Environmental Protection.  
The petition must contain a description of the territory of the  
proposed district.

50 Upon receipt of a written petition signed by at least 10% of the  
52 number of voters voting for the gubernatorial candidates at the  
last statewide election in that proposed district, the municipal

2 officers shall submit the question to the voters of the proposed  
3 district at the next general, primary or special election within  
4 the proposed district. The referendum question must read as  
5 follows:

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

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

19 3. Public hearing. Upon receipt of the application, the  
20 Board of Environmental Protection shall hold or cause to be held  
21 a public hearing on the application in one of the municipalities  
22 within the proposed district or, in the case of an application  
23 made solely by residents of unorganized territory, at some  
24 convenient place within the boundaries of the proposed district.

25 4. Approval of application. After the public hearing on  
26 the evidence received at the hearing, the Board of Environmental  
27 Protection shall make findings of fact and conclusions and  
28 determine of record whether or not the conditions requisite for  
29 the creation of a watershed district exist in the territory  
30 described in the application. If the board finds that these  
31 conditions exist, it shall issue an order approving the proposed  
32 district as conforming to the requirements of this chapter and  
33 designating the name of the proposed district. The board shall  
34 notify participating water districts, the municipal officers  
35 within the municipality or municipalities involved and the  
36 persons signing the application provided in subsection 1 and the  
37 commissioners of the county in which the unorganized territory is  
38 located of a date, time and place of a meeting of the municipal  
39 officers of the municipality or municipalities involved and, when  
40 unorganized territory is involved, a joint meeting of all the  
41 persons signing the application mentioned in subsection 1 and the  
42 commissioners of the county in which the unorganized territory is  
43 located. The notice must be in writing and sent by registered or  
44 certified mail, return receipt requested, to the addresses shown  
45 on the application provided in subsection 1 and, in the case of  
46 county commissioners, to the addresses of those commissioners  
47 obtained from the county clerk. A return receipt properly  
48 endorsed is evidence of the receipt of notice. The notice must be  
49 mailed at least 10 days prior to the date set for the meeting.  
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2           5. Denial of application. If the Board of Environmental  
3 Protection, after that public hearing, determines that the  
4 creation of a watershed district in the territory described in  
5 the application is not warranted for any reason, it shall make  
6 findings of fact and conclusions and enter an order denying its  
7 approval. The board shall give notice of that denial by mailing  
8 certified copies of the decision and order to participating water  
9 districts, the municipal officers of the municipality or  
10 municipalities involved and, when unorganized territory is  
11 involved, to the persons signing the application provided in  
12 subsection 1 and the commissioners of the county in which the  
13 unorganized territory is located. An application for the creation  
14 of a watershed district, consisting of exactly the same  
15 territory, may not be entertained within one year after the date  
16 of the issuance of an order denying approval of the formation of  
17 that watershed district, but this provision does not preclude  
18 action on an application for the creation of a watershed district  
19 embracing all or part of the territory described in the original  
20 application, provided that another municipality or fewer  
21 municipalities, or other or fewer sections of that municipality  
22 or municipalities, are involved or that a different area of  
23 unorganized territory is involved or, in the case of an  
24 application made solely by residents of unorganized territory,  
25 that an allegation of change in circumstances from those existing  
26 on the date of the previous application is furnished to the board  
27 with the resubmitted application.

28           6. Joint meeting. The persons, other than participating  
29 water districts, to whom the notice provided in subsection 3 is  
30 directed shall meet at the time and place appointed. When more  
31 than one municipality or unorganized territory is involved, the  
32 persons shall elect a chair and a secretary. Unless at the time  
33 the meeting is convened at least 1/2 of the total number of  
34 municipal officers eligible to attend and participate at the  
35 meeting is present and, when the proposed district includes or is  
36 composed solely of unorganized territory, at least 2/3 of the  
37 persons signing the application provided in subsection 1 and at  
38 least 2 commissioners of the county in which the unorganized  
39 territory is located are present, no action may be taken at the  
40 meeting other than to report to the Board of Environmental  
41 Protection that a quorum was not present and to request that the  
42 board issue a new notice for another meeting. The purpose of the  
43 meeting is to determine a fair and equitable number of trustees,  
44 subject to section 2024, to be elected by and represent each  
45 participating municipality or, in the case of unorganized  
46 territory, the residents of that territory within the bounds of  
47 the proposed district. When a decision has been reached on the  
48 number of trustees and the number to represent each municipality  
49 or the residents of the unorganized territory within the bounds  
50 of the proposed district, subject to the limitations provided,  
51 this decision must be put in writing by the secretary and must be  
52 put in writing by the secretary and must be

2 approved by a 2/3 vote of those present. When 2 or more  
4 municipalities or unorganized territory is involved, a record of  
6 the vote and the record of the meeting must be signed by the  
8 chair and attested by the secretary and filed with the board.  
10 When a single municipality is involved, a copy of the vote of the  
12 municipal officers duly attested by the clerk of the municipality  
14 must be filed with the board.

16 7. Water district representation. The trustees of each  
18 participating water district shall annually appoint one water  
20 district official or staff person to serve as a trustee of the  
22 watershed district for a one-year term.

24 8. Submission. When the record of the municipality or the  
26 record of the joint meeting, when municipalities or unorganized  
28 territory is involved, has been received by the Board of  
30 Environmental Protection and found by it to be in order, the  
32 board shall order the question of the formation of the proposed  
34 watershed district and other related questions to be submitted to  
36 the legal voters residing within that portion of the  
38 municipality, municipalities or unorganized territory that falls  
40 within the proposed watershed district. The order must be  
42 directed to the municipal officers of the municipality or  
44 municipalities that propose to form the watershed district and,  
46 when the proposed watershed district includes or is composed  
48 solely of unorganized territory, to the commissioners of the  
50 county in which the unorganized territory is located, directing  
52 them to call town meetings, city elections or a meeting of the  
residents of the unorganized territory within the bounds of the  
proposed watershed district to vote in favor of or in opposition  
to each of the following articles or questions, as they may  
apply, in substantially the following form:

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

40 B. To see if the residents of the following described  
42 section of the town (or city) of (name of town or city) will  
44 vote to incorporate as a watershed district to be called  
46 (name) Watershed District: (legal description of the bounds  
48 of section to be included);

50 C. To see if the residents of the (following described  
52 section of) (name of town or city) (unorganized territory)  
will vote to join with the residents of the (following  
described section of) (name of town or city) (unorganized  
territory) to incorporate as a watershed district to be  
called (name) Watershed District: (legal description of the  
bounds of the proposed watershed district, except where the  
district is to be composed of entire municipalities);

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

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

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

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

28 At any town meeting, city election or election by the  
30 residents of the proposed watershed district, trustees shall be  
32 chosen to represent the municipality or the unorganized territory  
within the proposed watershed district in the manner provided in  
section 2025.

34 **§2023. Approval and organization**

36 When the residents of the municipality or each municipality,  
38 when more than one is involved, or the unorganized territory  
40 within the proposed watershed district have voted upon the  
42 formation of a proposed watershed district and all of the other  
44 questions submitted therewith, the clerk of each municipality  
46 and, when the proposed district includes unorganized territory,  
48 the county clerk shall make a return to the Board of  
50 Environmental Protection in the form the board determines. If the  
52 board finds from the returns that a majority of the residents  
within each of the municipalities involved and, when the proposed  
district includes unorganized territory, that a majority of the  
residents of the unorganized territory within the proposed  
watershed district, voting on each of the articles and questions  
submitted to them, have voted in the affirmative and have elected  
the necessary trustees and the names of those elected to  
represent each municipality, or the residents of the unorganized  
territory within the proposed watershed district, that each

2 participating water district has appointed a trustee as provided  
4 by section 2022, subsection 7, and that all other steps in the  
6 formation of the proposed watershed district are in order and in  
8 conformity with law, the board shall make a finding to that  
10 effect and record the finding in its records. The board shall  
12 issue, immediately after making its findings, a certificate of  
14 organization in the name of the watershed district in the form  
16 the board determines. The original certificate must be delivered  
18 to the trustees on the day that they are directed to organize and  
20 a copy of the certificate duly attested by the Commissioner of  
22 Environmental Protection must be filed and recorded in the Office  
24 of the Secretary of State. The issuance of that certificate by  
26 the board is conclusive evidence of the lawful organization of  
28 the watershed district. The watershed district is not operative  
30 until the date set by the board under section 2026.

### 18 §2024. Trustees

20 1. Authorization. A board of trustees manages all the  
22 affairs of a watershed district. The board must consist of not  
24 less than 3 trustees, or not less than 5 trustees in watershed  
26 districts involving more than one municipality or one or more  
28 municipalities and residents of an unorganized territory. In  
30 addition, the board shall consist of one trustee representing  
32 each participating water district. Trustees, other than those  
34 representing participating water districts, are elected as  
36 provided in this chapter. The exact number of trustees is  
38 determined as provided in section 2022. A watershed district may  
40 alter the number of trustees by submitting the proposed  
42 alteration to the voters in the same manner as provided in  
44 section 2022, subsection 8. A municipality or unorganized  
46 territory within any watershed district may not have less than  
48 one trustee. A quorum of the trustees may conduct the affairs of  
50 the district even if there is a vacancy on the board of trustees.

36 2. Recall. Trustees may be recalled under the following  
38 provisions.

40 A. The qualified electors of the watershed district may  
42 petition for the recall of any trustee after the first year  
44 of the term for which the trustee is elected by filing a  
46 petition with the municipal clerk, or the county  
48 commissioners in unorganized territory, demanding the recall  
50 of the trustee. A trustee may be subject to recall for  
52 misfeasance, malfeasance or nonfeasance in office. The  
petition must be signed by electors of the political  
subdivision that the trustee represents equal to at least  
25% of the vote cast for the office of Governor at the last  
gubernatorial election within the political subdivision of  
the trustee being recalled. The recall petition must state  
the reason for which removal is sought.



2 B. Within 3 days after the petition is offered for filing,  
3 the official with whom the petition is left shall determine  
4 by careful examination whether the petition is sufficient  
5 and state that determination in a certificate attached to  
6 the petition. If the petition is found to be insufficient,  
7 the certificate must state the particulars creating the  
8 insufficiency. The petition may be amended to correct any  
9 insufficiency within 5 days following the affixing of the  
10 original certificate. Within 2 days after the offering of  
11 the amended petition for filing, it must again be carefully  
12 examined to determine sufficiency and a certificate stating  
13 the findings must be attached. Immediately upon finding an  
14 original or amended petition sufficient, the official shall  
15 file the petition and call a special election to be held not  
16 less than 40 days nor more than 45 days from the filing  
17 date. The official shall notify the trustee, against whom  
18 the recall petition is filed, of the special election.

19 C. The trustee against whom the recall petition is filed  
20 must be a candidate at the special election without  
21 nomination, unless the trustee resigns within 10 days after  
22 the original filing of the petition. A primary may not be  
23 held. Candidates for the office may be nominated under the  
24 usual procedure of nomination for a primary election by  
25 filing nomination papers, not later than 5 p.m., 4 weeks  
26 preceding the election and have their names placed on the  
27 ballot at the special election.

28 D. The trustee against whom a recall petition has been  
29 filed shall continue to perform the duties of office until  
30 the result of the special election is officially declared.  
31 The person receiving the highest number of votes at the  
32 special election must be declared elected for the remainder  
33 of the term. If the incumbent receives the highest number of  
34 votes, the incumbent shall continue in office. If another  
35 receives the highest number of votes, that person shall  
36 succeed the incumbent, if qualified, within 10 days after  
37 receiving notification.

38 E. After one recall petition and special election, no  
39 further recall petition may be filed against the same  
40 trustee during the term for which the trustee was elected.

#### 41 **§2025. Election of trustees**

42 Except for trustees representing participating water  
43 districts, whose selection is governed by section 2022,  
44 subsection 7, trustees are nominated and elected in the same  
45 manner as municipal officers under Title 30-A, or in accordance  
46 with a municipal charter, whichever is applicable; or, in the  
47 case of unorganized territory, in accordance with the procedure  
48 for the organization of larger townships set forth in Title 30-A,  
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2 section 7001. Upon receipt of the names of all the trustees, the  
 4 Board of Environmental Protection shall set a time, place and  
 6 date for the first meeting of the trustees to determine the  
 8 length of their terms. At least 10 days prior to the date set  
 10 for the meeting, notice of the meeting must be given to the  
 12 trustees by certified or registered mail, return receipt  
 14 requested. Except for trustees representing water districts  
 16 whose terms are set by section 2022, subsection 7, the terms are  
 18 determined by lot in accordance with the following table:

<u>TERM</u>				
<u>Total number</u>		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
14	<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
16	<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>
	<u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
18	<u>8</u>	<u>2</u>	<u>3</u>	<u>3</u>
	<u>9</u>	<u>3</u>	<u>3</u>	<u>3</u>
20	<u>10</u>	<u>3</u>	<u>3</u>	<u>4</u>
	<u>11</u>	<u>3</u>	<u>4</u>	<u>4</u>
22	<u>12</u>	<u>4</u>	<u>4</u>	<u>4</u>
	<u>13</u>	<u>4</u>	<u>4</u>	<u>5</u>
24	<u>14</u>	<u>4</u>	<u>5</u>	<u>5</u>
	<u>15</u>	<u>5</u>	<u>5</u>	<u>5</u>
26	<u>16</u>	<u>5</u>	<u>5</u>	<u>6</u>
	<u>17</u>	<u>5</u>	<u>6</u>	<u>6</u>
28	<u>18</u>	<u>6</u>	<u>6</u>	<u>6</u>

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

46 The commissioners shall elect from their own members a  
 48 chair, a vice-chair, a treasurer and a clerk, adopt a corporate  
 50 seal and choose, employ and fix the compensation of other  
 52 necessary officers and agents who serve at the commissioners'  
pleasure. Before the election of the officers, each trustee must  
be sworn to the faithful performance of the trustee's duties.

2 At the first organizational meeting, the trustees shall  
3 determine the percentage of the watershed district's operating  
4 budget to which each participating water district contributes.  
5 Any contributions paid by a participating water district must be  
6 recovered, with carrying costs, in the district's next rate  
7 case. The agreed upon contribution of a participating water  
8 district may not be changed during the fiscal year unless the  
9 participating water district approves the change. The percentage  
10 contribution of a participating water district may be reviewed  
11 and changed by the trustees at the end of the fiscal year.

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

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

30 At the expiration of a term, the vacancy is filled for a  
31 term of 3 years and the trustees shall notify the municipal  
32 officers of the municipalities within the watershed district  
33 before the annual town meeting or before the regular city  
34 election if a city falls within the watershed district; or, in  
35 the case of unorganized territory, the trustees shall notify the  
36 commissioners of the county in which the unorganized territory  
37 encompassed by the watershed district is located of the fact that  
38 a vacancy is to occur so that the municipal officers in these  
39 municipalities or the county commissioners may provide for the  
40 election of a trustee to fill that vacancy. All trustees shall  
41 serve until their successors are elected and qualified. The  
42 trustees are entitled to receive compensation recommended by them  
43 and approved by majority vote of the municipal officers in  
44 municipalities representing a majority of the population within  
45 the district, including compensation for any duties they perform  
46 as officers as well as for their duties as trustees.  
47 Certification of compensation must be recorded with the Secretary  
48 of State and in the bylaws. Their compensation for duties as  
49 trustees must be based on the amount specified in the bylaws,  
50 each meeting actually attended and reimbursement for travel and  
51 expenses, with the total not to exceed the amount specified in  
52 the bylaws.

2 the bylaws. Compensation schedules in effect on January 1, 1988  
3 are effective until changed.

4 When a vacancy on the board of trustees occurs by reason of  
5 death, resignation or otherwise, the municipal officers of the  
6 municipality that the trustee represented shall fill the vacancy  
7 by electing a trustee from the municipality to serve until the  
8 municipality fills the vacancy at its next annual town meeting or  
9 next regular city election. When there is a vacancy in the office  
10 of a trustee representing unorganized territory, the  
11 commissioners of the county in which the unorganized territory is  
12 located shall fill the vacancy by electing a trustee from the  
13 unorganized territory and resident within the boundaries of the  
14 watershed district until the next election of trustees is held.  
15 The person chosen shall serve until a successor is elected and  
16 qualified. If any member of the board of trustees moves from the  
17 municipality represented, or, in the case of a trustee  
18 representing unorganized territory, if that trustee moves outside  
19 the boundaries of the watershed district, the board of trustees  
20 shall declare the existence of a vacancy and the municipal  
21 officers or the county commissioners shall choose another trustee  
22 as provided.

24 Except as otherwise provided, a member of the board of  
25 trustees may not be employed for compensation or in any other  
26 capacity by the watershed district of which the member is a  
27 trustee, except as otherwise provided.

28 **§2026. Operational date of watershed districts**

30 The watershed district becomes operative on the date set by  
31 the Board of Environmental Protection as provided in section 2025.

34 **§2027. Powers**

36 A watershed district has the following powers.

38 1. General. Any district organized under this chapter may  
39 sue and be sued; make contracts; accept gifts; purchase, lease,  
40 devise or otherwise acquire, hold or dispose of real or personal  
41 property; disburse money; contract debt; adopt rules; and do  
42 other acts necessary to carry out the purposes of the district.

44 2. Security required. The district may require that a  
45 contracting party give adequate security to ensure performance of  
46 the contract and to pay all damages that may arise from  
47 inadequate performance.

48 3. Responsibilities. The district is responsible for:

50 A. Initiating and coordinating research and surveys to  
51 gather data on coastal harbors and estuaries, related

2 shorelands and watersheds within the territory of the  
3 district;

4 B. Planning coastal restoration projects;

6 C. Contacting and attempting to secure the cooperation of  
7 municipal officials and state agencies to enact and enforce  
8 ordinances and regulations necessary to further the purposes  
9 of the district;

10 D. Adopting and implementing coastal protection, management  
11 and restoration plans; and

12 E. Adopting and implementing plans and programs to  
13 facilitate coordination of water level management and  
14 surface water use on coastal harbors and estuaries within  
15 the territory of the district.

16 4. Limits on jurisdiction. The limits on jurisdiction are  
17 as follows.

18 A. The district has no authority to set a water level  
19 regime for a body of water impounded by a dam that is  
20 exempt, under section 840, subsection 1, from the authority  
21 of the Board of Environmental Protection to set water level  
22 regimes.

23 B. The district's authority to set a water level regime for  
24 any water body within its boundaries and over any dams  
25 within its boundaries is subordinate to the authority of the  
26 Department of Environmental Protection under chapter 5,  
27 subchapter I, article 1, subarticle 1-B and article 3-A.

28 **§2028. Budget meeting**

29 Before June 1st of each year, the trustees of a watershed  
30 district shall call a district budget meeting to approve the  
31 operating budget, reserve fund for a capital outlay purpose or  
32 capital outlay appropriations in the following manner.

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

2 return on the warrant, stating the manner of notice in each  
municipality and the time it was given.

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

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

26 4. Budget approval. The trustees shall thoroughly explain  
28 the proposed budget and the voters of the district must be given  
an opportunity to be heard. At the district budget meeting, only  
30 those items dealing with the expenses necessary to operate the  
district, appropriations for a reserve fund and capital outlay  
32 are subject to change by the voters. The initial budget  
submitted by the trustees of the watershed district following the  
34 district's formation and organization must be approved by the  
voters at the district budget meeting. If the initial budget is  
36 not approved by July 1st, the trustees shall make as many  
revisions and conduct as many meetings as necessary to secure  
38 budget approval by the voters. If a budget for the operation of  
the district is not approved prior to July 1st in any following  
40 year, the previous fiscal year's budget is automatically  
considered the approved budget for that fiscal year.

42 **§2029. Exemption**

44 The property, both real and personal, rights and franchises  
46 of any watershed district formed under this chapter and held  
within the boundaries of the district is forever exempt from  
48 taxation.

50 **§2030. Assessments**

52 Assessments must be made as follows.

