

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1641

S.P. 633

In Senate, January 4, 1996

An Act to Amend the Maine Sanitary District Enabling Act.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CIANCHETTE of Somerset.

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

4 **Sec. 1. 38 MRSA §1107** is enacted to read:

6 **§1107. Dissolution**

8 A sanitary district may be dissolved according to the procedures established in this section.

10 1. Method. The following methods must be used when dissolving a sanitary district.

12 A. The board of trustees may, by 2/3 vote, cause the question of dissolving the sanitary district to be put to the legal voters within the district.

14 B. Residents of the sanitary district may petition the board of trustees to submit the question of dissolving the district to the voters. Upon receipt of a petition signed by 10% of the number of voters in the sanitary district voting in the last gubernatorial election or 50 voters, whichever is greater, the trustees shall cause the question of dissolving the sanitary district to be put to the legal voters within the district.

16 C. The trustees shall submit the question of dissolution of the sanitary district to the legal voters within the district at an election called for that purpose within 60 days of either a vote in accordance with paragraph A or receipt of a petition in accordance with paragraph B.

18 For the purposes of the election, the trustees shall appoint a registrar of voters for the district, who may also be the registrar of voters for one of the member municipalities.

20 The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar is required to be in session the 3 secular days preceding the election, of which the first 2 days must be devoted to registration of the voters and the last day to verification of the list and completion of the records of these sessions. The referendum question must read as follows:

22 "Do you favor the dissolution of the (name) Sanitary District?"

2 The voters shall indicate by a cross or check mark placed
3 against the word "Yes" or "No" their opinion of the question.

4 The trustees of the district shall declare the results of
5 the vote. The clerk shall file the due certificate of the
6 results with the Secretary of State and the Commissioner of
7 Environmental Protection.

8
9 If a majority of the voters in the district have voted to
10 dissolve the district, the commissioner shall make a finding
11 to that effect and record the finding upon the department's
12 records.

13 2. Assets and liabilities. The commissioner shall oversee
14 the trustees in the winding up of the affairs of the sanitary
15 district including, when applicable:

16 A. The transfer of the district's property and assets;

17 B. The settlement or transfer of the district's liabilities
18 including, without limitation, any outstanding bonds or
19 notes of the sanitary district that are due on or after the
20 date of dissolution; and

21 C. The transfer of the district's powers and
22 responsibilities, including the management and control of
23 the operation of all of the public sewers, storm and surface
24 water drains, treatment plants and related structures within
25 the district.

26 3. Filing of articles of dissolution. The trustees shall
27 file a copy of the articles of dissolution with the Secretary of
28 State.

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STATEMENT OF FACT

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32 The Maine Sanitary District Enabling Act does not currently
33 provide for the dissolution of sanitary districts. This bill
34 provides a method for the board of trustees or the residents of a
35 sanitary district to initiate the dissolution of the sanitary
36 district. It requires the Commissioner of Environmental
37 Protection to oversee the trustees in the winding up of the
38 affairs of a dissolved district.

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