

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 580

S.P. 187

In Senate, January 21, 1999

**An Act to Clarify the Voting Rights of Persons Residing in Certain  
Sanitary Districts.**

(EMERGENCY)

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           Whereas, it is immediately important to secure the voting  
rights of persons residing in certain sanitary districts; and

8           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
10       Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
12       safety; now, therefore,

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

16           **Sec. 1. 38 MRSA §1104, sub-§1,** as enacted by PL 1981, c. 466,  
§3, is amended to read:

18  
20           **1. Authorization.** All the affairs of a sanitary district  
shall ~~be~~ are managed by an elected board of trustees which shall  
~~consist~~ consists of not less than 3 trustees, or not less than 5  
22       trustees in sanitary districts involving more than one  
municipality or one or more municipalities and residents of an  
24       unorganized territory. The exact number of trustees shall ~~be~~ is  
determined in accordance with section 1101. A sanitary district  
26       may alter the number of trustees by submitting the proposed  
alteration to the voters in the same manner as provided in  
28       section 1101, subsection 7. No municipality ~~nor~~ or unorganized  
territory within any sanitary district may have less than one  
30       trustee. A quorum of the trustees may conduct the affairs of the  
district even if there is a vacancy on the board of trustees.

32  
34       In the case of a sanitary district whose territory does not  
extend beyond the boundaries of a single municipality and whose  
territory encompasses less than the entire area of the  
36       municipality, each trustee must be a resident of the district and  
any trustee who ceases to qualify for the office of trustee as a  
38       result of the application of this subsection shall vacate the  
office of trustee and the vacancy must be filled as provided in  
40       section 1105.

42           **Sec. 2. 38 MRSA §1105,** as amended by PL 1989, c. 890, Pt. A,  
§40 and Pt. B, §214, is further amended by adding after the first  
44       paragraph a new paragraph to read:

46       In the case of a sanitary district whose territory does not  
extend beyond the boundaries of a single municipality and whose  
48       territory encompasses less than the entire area of the  
municipality, when the term of office of a trustee expires, the  
50       trustee's successor must be elected at large by a plurality vote  
of the voters within the territory of the district.

