

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 804

S.P. 283

In Senate, February 20, 2003

An Act To Amend the Standard Water District Enabling Act

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 HALL of Lincoln.
Cosponsored by Representative: RECTOR of Thomaston.

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

2 **Sec. 1. 35-A MRSA §6401, sub-§2, ¶A,** as enacted by PL 1995, c.
4 616, §10, is amended to read:

6 A. The following provisions apply to all water districts,
8 regardless of when chartered, and any portion of a water
district charter that is contrary to the provisions is void
and of no effect:

10 (1) Section 6410, subsection 7; and

12 (2) Section 6410, subsection 8;

14 (3) Section 6404-A;

16 (4) Section 6413-A; and

18 (5) Section 6414-A.

20 **Sec. 2. 35-A MRSA §6404-A** is enacted to read:

22 **§6404-A. Water districts; water protection powers**

24 A water district may, for the purposes of its incorporation,
26 protect the volume and quality of water within the territory of
the district in order to provide adequate supplies of safe public
28 drinking water by adopting and implementing restrictions on water
use within the territory of the district.

30 **Sec. 3. 35-A MRSA §6410, sub-§§1 and 7,** as enacted by PL 1995,
32 c. 616, §10, are amended to read:

34 **1. Standard districts; nominations and elections;**
vacancies. Nominations and elections of trustees are conducted
36 in accordance with the laws relating to municipal elections.

38 When the term of office of a trustee expires, the trustee's
successor is elected at large by a plurality vote of the voters
40 of the standard district. For the purpose of election, a special
election must be called and held on the date established by the
42 trustees. The election must be called by the trustees of the
standard district in the same manner as town meetings are called
44 and, for this purpose, the trustees are vested with the powers of
municipal officers of towns. A vacancy is filled in the same
46 manner for the unexpired term by a special election called by the
trustees of the standard district.

48 The trustees shall appoint a registrar of voters for the standard

2 district, who may also be the registrar of voters for any town
3 within the standard district, and fix the registrar's salary. It
4 is the registrar's duty to make and keep a complete list of all
5 the eligible registered voters of resident in the standard
6 district. The list prepared by the registrar governs the
7 eligibility of any voter. Voters who are resident outside the
8 territorial limits of the standard district, as defined in its
9 charter, are not eligible voters and the registrar of voters
10 shall exclude those voters from the registrar's lists. All
11 warrants issued for elections by the trustees must show that only
12 the voters resident within the territorial limits of the standard
13 district are entitled to vote.

14 **7. Water districts; trustees' compensation.** The trustees
15 of a water district receive compensation as recommended by the
16 trustees and approved by a majority of the municipal officers of
17 the municipality, including compensation for any duties they
18 perform as officers, as well as for their duties as trustees.
19 For districts serving more than one municipality, any change in
20 the compensation received by the trustees for any duties they
21 perform within the district must be recommended by the trustees
22 and approved by majority vote of the municipal officers in each
23 municipality in municipalities representing a majority of the
24 population within the district. Certification of the vote must
25 be recorded with the Secretary of State and recorded in the
26 bylaws. ~~Compensation for duties as trustees must be on the basis~~
27 ~~of such specific amount as may be specified in the bylaws, for~~
28 ~~each meeting actually attended and reimbursement for travel and~~
29 ~~expenses, with the total not to exceed such specific amount as~~
30 ~~may be specified in the bylaws.~~ Compensation schedules in effect
31 on January 1, 1982 continue in effect until changed.

32
33 Notwithstanding section 6401, subsection 2, this subsection does
34 not apply to any water district for which the charter provides
35 for trustee compensation in a manner inconsistent with this
36 subsection and specifically indicates by its own terms that this
37 subsection or former section 6303, subsection 4 does not apply.

38 **Sec. 4. 35-A MRS §6413-A** is enacted to read:

39 **§6413-A. Water districts; authority to increase debt limits**

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41 Notwithstanding any provision of its charter to the
42 contrary, a water district may increase its debt limit by
43 referendum in accordance with this section. A water district is
44 not required to use this section and may seek to increase its
45 debt limit by any other lawful means, including pursuant to any
46 other means described in its charter or by seeking legislative
47 amendment to its charter.

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2 If a water district chooses to increase its debt limit
3 pursuant to this section, the governing body of the water
4 district shall propose a new debt limit and submit the proposal
5 for approval at a referendum within the district. The referendum
6 must be called, advertised and conducted according to the law
7 relating to municipal elections, except the registrar of voters
8 is not required to prepare or the clerk to post a new list of
9 voters. For the purpose of registering voters, the registrar of
10 voters must be in session on the regular work day preceding the
11 election. The question presented must conform to the following
12 form:

13 "Do you favor changing the debt limit of the (insert name of
14 district) from (insert current debt limit) to (insert
15 proposed debt limit)?"

16 The voters shall indicate by a cross or check mark placed
17 against the word "Yes" or "No" their opinion on the question.

18 The results must be declared by the governing body of the
19 district and entered upon the district's records. Due
20 certificate of the results must be filed by the clerk with the
21 Secretary of State.

22 A debt limit proposal becomes effective upon its acceptance
23 by a majority of the legal voters within the district voting at
24 the referendum. Failure of approval by the majority of voters
25 voting at the referendum does not prevent subsequent referenda
26 from being held for the same purpose. The costs of referenda are
27 borne by the district.

28 **Sec. 5. 35-A MRSA §6414-A** is enacted to read:

29 **§6414-A. Water utilities; rate collection and liens**

30 All persons, firms and corporations, whether public, private
31 or municipal, shall pay to the treasurer of any water district
32 the rates established pursuant to chapter 61 for the water
33 service used with respect to their real estate.

34 There is a lien on real estate served by a water district to
35 secure the payment of unpaid rates. The method for obtaining,
36 enforcing and receiving payment on the lien must be in the same
37 manner and has the same effect and creates the same rights as
38 provided in Title 38, section 1208, pertaining to the collection
39 of unpaid rates by a sanitary district, except that the sanitary
40 district lien created under Title 38, section 1208 continues with
41 priority over the district's water utility lien created under
42 this section and the notice of impending automatic foreclosure
43 must be substantially in the following form:

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STATE OF MAINE
WATER DISTRICT
NOTICE OF IMPENDING AUTOMATIC FORECLOSURE
WATER LIEN
Title 35-A M.R.S.A., section 6414-A

IMPORTANT: DO NOT DISREGARD THIS NOTICE
YOU WILL LOSE YOUR PROPERTY UNLESS
YOU PAY THE CHARGES, COSTS AND INTEREST FOR WHICH
A LIEN ON YOUR PROPERTY HAS BEEN CREATED BY THE
WATER DISTRICT.

TO: _____

You are the party named on the Water Lien Certificate filed on _____, 20____ and recorded in Book _____, Page _____ in the _____ County Registry of Deeds. This _____ Water District filing created a sewer lien mortgage on the real estate described in the Water Lien Certificate.

On _____, 20____, the water lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the district's charges and interest that are owed will expire.

IF THE LIEN FORECLOSURES,
THE _____ WATER DISTRICT WILL OWN
YOUR PROPERTY, SUBJECT ONLY TO
SANITARY DISTRICT AND MUNICIPAL TAX LIENS.

If you can not pay the outstanding charges, costs and interest that are the subject of this notice or the subject of installment payment arrangements that you have made with the district, please contact me immediately to discuss this notice.

District Treasurer

SUMMARY

This bill does the following:

1. It grants to each water district authority to protect the volume and quality of water within its territory;
2. It clarifies that the registrar of a standard water district must keep a list of all registered voters within the district;

- 2 3. It removes a provision relating to water district
trustee compensation that requires that such compensation be
4 specified in the bylaws and be for meetings attended and
reimbursement for expenses;
- 6 4. It allows a water district to increase its debt limit
8 through a referendum procedure; and
- 10 5. It imposes a lien on property services by water
districts to secure payment for unpaid rates.