

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1658

H.P. 1169

House of Representatives, May 5, 2005

An Act To Expand the Powers of the Stonington Sanitary District

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and
Senator: STRIMLING of Cumberland.

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

4 Whereas, the Stonington Sanitary District was formed
6 pursuant to the Maine Revised Statutes, Title 38, chapter 11; and

8 Whereas, this legislation increases the number of trustees
of the district and expands the territory and the powers of the
10 district; and

12 Whereas, the purposes of this legislation are to be voted on
by the residents of the district at a meeting to be held in June;
14 and

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

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

24 **Sec. 1. Stonington Sanitary District; expanded territory; additional**
powers; additional trustees. The Stonington Sanitary District,
26 formed pursuant to the Maine Revised Statutes, Title 38, chapter
11 and referred to in this Act as "the district," is granted
28 additional powers, rights, privileges and obligations as provided
in this Act. All authority and powers of the Stonington Sanitary
30 District as previously granted continue in full force and
effect. The board of trustees of the district as presently
32 elected and constituted may exercise all additional powers,
rights, privileges and obligations granted by this section in the
34 same manner as currently empowered for the affairs of the
district.

36 **Sec. 2. Territory.** The district's territory is expanded to
38 include the entire Town of Stonington.

40 **Sec. 3. Trustees.** The district consists of 7 trustees. Four
of the trustees must be residents of the district and reside in
42 households that use the district's services, and 3 trustees must
be residents of the district but need not use the district's
44 services.

46 **Sec. 4. Powers.** In addition to the powers granted the
district under the Maine Revised Statutes, Title 38, chapter 11,
48 the district has the authority to implement seasonal rates, the
authority to pump out, truck or treat sewage and the authority to
50 finance and operate sand filters and other septic services.

2 **Sec. 5. Existing trustees.** The trustees of the Stonington
4 Sanitary District holding office on the effective date of this
Act hold office as trustees for the terms for which they were
6 elected, and as each term expires one trustee must be elected by
the registered voters of the district at the next annual meeting
8 of the district to serve for a term of 3 years. The additional
trustees must be elected at the next annual meeting, one for a
term of 2 years and one for a term of 3 years. If a vacancy
10 arises, it must be filled for the remainder of the unexpired term.

12 **Sec. 6. Referendum; emergency clause.** In view of the emergency
14 cited in the preamble, this Act takes effect when approved only
for the purposes of permitting its submission to the legal voters
16 within the district at an election called for that purpose or at
a town meeting. The election or the meeting must be held in June
2005.

18 1. If the referendum is held at an election, the election
20 must be called, advertised and conducted according to the law
relating to municipal elections, except that the registrar of
22 voters is not required to prepare or the clerk to post a new list
of voters.

24 The registrar of voters must be in session the 3 secular days
26 preceding the election, of which the first 2 days must be devoted
to registration of voters and the last day to verification of the
28 list and completion of the records of the session by the
registrar. The subject matter of this Act is reduced to the
30 following question:

32 "Do you favor expanding the territory, increasing the number
34 of trustees and expanding the powers of the Stonington
Sanitary District?"

36 The voters shall indicate by a cross or check mark placed against
the words "Yes" or "No" their opinion of the same.

38 The results must be declared by the municipal officers of the
40 Town of Stonington and due certificate of the results filed by
the clerk with the Secretary of State.

42 2. If the referendum is held at a town meeting, the
44 procedures of the Maine Revised Statutes, Title 30-A, section
2354 apply.

46 This Act takes effect for all purposes immediately upon its
48 acceptance by a majority of the legal voters in the district if
voting is held at an election or upon acceptance at a town
50 meeting if voting is held at a town meeting. Failure to achieve
the necessary approval by a majority of voters at any such

2 election does not prevent a subsequent election or elections from
being held for that purpose.

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SUMMARY

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8 This bill authorizes the Stonington Sanitary District to
expand its territory to include the entire Town of Stonington,
increase the number of trustees and expand the powers of the
10 district.