

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1834

H.P. 1354

House of Representatives, February 27, 2012

An Act To Amend the Boothbay Region Water District Charter

(AFTER DEADLINE)

(EMERGENCY)

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator JOHNSON of Lincoln.

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

3 **Whereas,** the Town of Southport is critically deficient in existing infrastructure for
4 fire protection; and

5 **Whereas,** the existing groundwater drawn upon by the population of the Town of
6 Southport through wells is contaminated with many inorganic and organic compounds;
7 and

8 **Whereas,** the population of the Town of Southport must have year-round access to
9 clean and safe drinking water as soon as possible; and

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

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

15 **Sec. 1. P&SL 2001, c. 15, §1** is amended to read:

16 **Sec. 1. Territorial limits; corporate name.** Pursuant to the Maine Revised
17 Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 8 of
18 this Act, the territory and the inhabitants of the Town of Boothbay ~~and~~ the Town of
19 Boothbay Harbor ~~and the Town of Southport~~ constitute a standard water district under the
20 name "Boothbay Region Water District," referred to in this Act as the "district."

21 **Sec. 2. P&SL 2001, c. 15, §2** is amended to read:

22 **Sec. 2. Powers; authority; duties.** Except as otherwise expressly provided in
23 this Act, the district has all the powers and authority and is subject to all the requirements
24 and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64. ~~The~~
25 ~~district is authorized to provide water to the Town of Southport.~~

26 **Sec. 3. P&SL 2001, c. 15, §5, first ¶** is amended to read:

27 **Sec. 5. Trustees; how elected; first board; meeting; officers.** All of the
28 affairs of the district must be managed by a board of trustees composed of ~~5~~ 7 members:
29 two residents of the Town of Boothbay Harbor, 2 residents of the Town of Boothbay, 2
30 residents of the Town of Southport and one at-large member chosen from the 3 towns.

31 **Sec. 4. P&SL 2001, c. 15, §5, sub-§4** is amended to read:

32 **4. Vacancy.** Whenever the term of office of a trustee from the Town of Boothbay
33 Harbor expires, the trustee's successor must be elected from the Town of Boothbay
34 Harbor by the inhabitants of the district, except that, after the first year, the successor of
35 the trustee from the Town of Boothbay Harbor that served a term of one year must be
36 elected at large by the inhabitants of the district at town meetings to be held in the Town

1 of Boothbay Harbor ~~and~~, the Town of Boothbay and the Town of Southport. Whenever
2 the term of office of a trustee from the Town of Boothbay expires, the trustee's successor
3 must be elected from the Town of Boothbay by the inhabitants of the district. Whenever
4 the term of office of a trustee from the Town of Southport expires, the trustee's successor
5 must be elected from the Town of Southport by the inhabitants of the district by secret
6 ballot. Trustees are elected at the annual town meetings from the town that the trustees
7 represent. The trustee so elected shall serve the full term of 3 years. If any vacancy
8 arises in the membership of the board of trustees, it must be filled in like manner for the
9 unexpired term by a special election to be called by the trustees of the district. When any
10 trustee ceases to be a resident of the district, the trustee shall vacate the office of trustee
11 and the vacancy must be filled as provided in this subsection. All trustees are eligible for
12 reelection, but a person who is a municipal officer in the Town of Boothbay Harbor ~~or~~,
13 the Town of Boothbay or the Town of Southport is not eligible for nomination or election
14 as trustee.

15 **Sec. 5. P&SL 2001, c. 15, §5-A** is enacted to read:

16 **Sec. 5-A. Southport trustees; first appointment.** The municipal officers of
17 the Town of Southport at a regular meeting or special meeting shall appoint 2 trustees to
18 serve on the board of trustees of the Boothbay Region Water District from the Town of
19 Southport, both of whom must be residents of the Town of Southport. Of these initial
20 trustees, one trustee shall serve for a term of one year and one for a term of 2 years. The
21 municipal officers shall determine the term of office of each trustee. Vacancies must be
22 filled pursuant to section 5, subsection 4.

23 **Sec. 6. P&SL 2001, c. 15, §7-A** is enacted to read:

24 **Sec. 7-A. Transfer of assets of the Southport water system.** The district,
25 through its trustees, shall acquire, in accordance with this section, all of the assets of the
26 Southport water system.

27 The sale and transfer by the Town of Southport to the district of its plants, properties,
28 assets, franchises, rights and privileges, the assumption by the district of all the
29 outstanding debts, obligations and liabilities of the Southport water system pursuant to
30 this section and the subsequent use of the plants, properties, assets, franchises, rights and
31 privileges by the district within the limits of the district are subject to the approval of the
32 Public Utilities Commission as may be required by the Maine Revised Statutes, Title
33 35-A, Part 1.

34 **Sec. 7. Emergency clause; referenda; effective date.** In view of the
35 emergency cited in the preamble, this Act takes effect when approved only for the
36 purpose of permitting its submission to the legal voters within the territory described in
37 section 1 of this Act at each town's annual election or a special election called for that
38 purpose within 2 years after the effective date of this Act. The election must be called by
39 the municipal officers of the respective towns and must be held at the regular voting
40 places. The election must be called, advertised and conducted according to the law
41 relating to municipal elections. The registrars shall make a complete list of all the eligible
42 voters of the proposed district as described in this Act. The list prepared by the registrars

1 governs the eligibility of a voter. For the purpose of registration of voters, the registrars
2 of voters must be in session the secular day preceding the election. The subject matter of
3 this Act is reduced to the following question:

4 "Do you favor allowing the Boothbay Region Water District to provide
5 water to the Town of Southport and to acquire the assets of the Southport
6 water system?"

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

9 The results must be declared by the municipal officers of the Town of Boothbay
10 Harbor, the Town of Boothbay and the Town of Southport and due certificate of the
11 results filed by the clerks with the Secretary of State.

12 This Act takes effect for all purposes immediately upon its approval by a majority of
13 the legal voters of each town voting at the election. Failure to achieve the necessary
14 approval in any referendum does not prohibit subsequent referenda consistent with this
15 section as long as the referenda are held within 2 years of the effective date of this Act.

16 **SUMMARY**

17 This bill amends the Boothbay Region Water District charter by increasing the
18 number of trustees from 5 to 7, including in the district's territory the Town of Southport
19 and providing for how the 2 new trustees from the Town of Southport will be elected.
20 The bill also requires the Boothbay Region Water District to acquire the assets and debt
21 of the Southport water system.