

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1004

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H.P. 702

House of Representatives, March 12, 2013

### An Act To Clarify Voting Procedures for Standard Water Districts

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HOBBS of Saco.

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

2 **Sec. 1. 35-A MRSA §6401**, as amended by PL 2003, c. 147, §1, is further  
3 amended to read:

4 **§6401. Purpose; scope and application; commission authority; charter adoption or**  
5 **amendment**

6 **1. Purpose.** The purpose of this chapter, which may be known and cited as the  
7 "Standard Water District Enabling Act," is to promote consistency among the powers and  
8 authorities of water districts in this State. The intent of this chapter is to suggest standard  
9 provisions that a district formed after January 1, 1997 may consider including in its  
10 charter. Except as specifically provided in subsection 2, in recognition of the unique  
11 nature of each water district, its customers and its priorities, the suggested provisions are  
12 specifically not intended to be mandatory in nature and are not intended to apply to  
13 districts formed prior to January 1, 1997.

14 **2. Scope and application.** The provisions of this chapter apply as follows.

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

18 (1) Section 6410, subsection 7;

19 (2) Section 6410, subsection 8;

20 (3) Section 6413-A; and

21 (4) Section 6414-A.

22 B. The following provisions apply to all water districts formed on or after January 1,  
23 1982:

24 (1) Subsection 3;

25 (2) Section 6410, subsection 5; and

26 (3) Section 6416.

27 C. Except as provided in paragraphs A and B or in subsection 3 or by charter or  
28 other provision of law, the provisions of this chapter do not apply to districts formed  
29 prior to January 1, 1997.

30 **3. Water districts; commission authority.** Notwithstanding any terms, conditions  
31 or limitations, either expressed or implied, in a special Act of the Legislature under which  
32 a district is organized or in any special Act of the Legislature under which a district is  
33 franchised, the commission may establish reasonable terms upon which water districts  
34 shall extinguish their long-term indebtedness. This subsection does not authorize the  
35 commission to alter the terms of any existing obligations of a water district.

36 **4. Adoption of charter or charter amendment.** The referendum election for the  
37 adoption of a standard district charter or charter amendment must be conducted as a  
38 secret ballot referendum in accordance with Title 30-A, section 2528 even if the

1 municipality or a portion of the municipality in which the election is conducted has not  
2 accepted secret ballot voting under that provision.

3 **Sec. 2. 35-A MRSA §6410, sub-§1**, as amended by PL 2003, c. 147, §2, is  
4 further amended to read:

5 **1. Standard districts; nominations and elections; vacancies.** Nominations and  
6 elections of trustees are conducted in accordance with the laws relating to municipal  
7 elections. All elections must be conducted by secret ballot in accordance with Title 30-A,  
8 section 2528 even if the municipality or a portion of the municipality in which the  
9 election is conducted has not accepted secret ballot voting under that provision.

10 When the term of office of a trustee expires, the trustee's successor is elected at large by a  
11 plurality vote of the voters of the standard district. For the purpose of election, a special  
12 election must be called ~~and held on the date established by the trustees. The election~~  
13 ~~must be called by the trustees of the standard district in the same manner as town~~  
14 ~~meetings are called,~~ advertised and conducted in accordance with Title 30-A, section  
15 2528 and, for this purpose, the trustees are vested with the powers of municipal officers  
16 of towns. A vacancy is filled in the same manner for the unexpired term by a special  
17 election called by the trustees of the standard district.

18 The trustees shall appoint a registrar of voters for the standard district, who may also be  
19 the registrar of voters for any town within the standard district, and fix the registrar's  
20 salary. It is the registrar's duty to make and keep a complete list of all the registered  
21 voters resident in the standard district. The list prepared by the registrar governs the  
22 eligibility of any voter. Voters who are resident outside the territorial limits of the  
23 standard district, as defined in its charter, are not eligible voters and the registrar of voters  
24 shall exclude those voters from the registrar's lists. All warrants issued for elections by  
25 the trustees must show that only the voters resident within the territorial limits of the  
26 standard district are entitled to vote.

27 **Sec. 3. 35-A MRSA §6413, first ¶**, as amended by PL 2005, c. 192, §1, is further  
28 amended to read:

29 Prior to issuing on behalf of a standard district any bond, note or other evidence of  
30 indebtedness payable within a period of more than 12 months after the date of issuance,  
31 the trustees shall propose a debt limit for the standard district that the trustees must  
32 submit for approval in a districtwide referendum. The referendum must be called,  
33 advertised and conducted according to ~~the law relating to municipal elections~~ Title 30-A,  
34 section 2528 even if the municipality or a portion of the municipality in which the  
35 election is conducted has not accepted secret ballot voting under that provision, except  
36 the standard district's registrar of voters is not required to prepare or the clerk to post a  
37 new list of voters. The referendum may be held outside the territory of the district if the  
38 usual voting place for persons located within the district is located outside the territory of  
39 the district. For the purpose of registering voters, the registrar of voters must be in  
40 session on the regular workday preceding the election. The question presented must  
41 conform to one of the following forms:

